

# **INFORMATION HANDOUT**

## **WATER QUALITY**

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST

## **PERMITS**

UNITED STATES ARMY CORPS OF ENGINEERS  
NON-REPORTING NATIONWIDE 404 PERMIT

## **AGREEMENTS**

CALIFORNIA DEPARTMENT OF FISH AND GAME  
NOTIFICATION NO. 1600-2011-0087-R4

## **MATERIALS INFORMATION**

GEOTECHNICAL DESIGN REPORT – 10/12/2010



# California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair



Linda S. Adams  
Acting Secretary for  
Environmental Protection

1685 E Street, Fresno, California 93706  
(559) 445-5116 • Fax (559) 445-5910  
<http://www.waterboards.ca.gov/centralvalley>

Edmund G. Brown Jr.  
Governor

Tony Singh  
California Department of Transportation  
1976 Martin Luther King Blvd.  
Stockton, CA 95201

8 June 2011

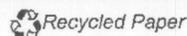
## CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS FOR THE SR 49 ASHWORTH ROAD LEFT TURN CHANNELIZATION PROJECT, WDID#5B22CR00015, MARIPOSA COUNTY

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### WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Certification is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This Certification is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR § 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required under 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
4. Certification is valid for the duration of the SR 49 Ashworth Road Left Turn Channelization Project (Project) described in the attached "Project Information Sheet." This Certification is no longer valid if the Project (as summarized in the "Project Information Sheet" and described in the water quality certification application) is modified, or coverage under the project permit issued by the U.S. Army Corps of Engineers pursuant to § 404 of the Clean Water Act has expired. The California Department of Transportation (Discharger) shall notify the Central Valley Regional Water Quality Control Board (Central Valley Water Board) in writing within seven days of Project completion.
5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Water Board shall be signed by a person described below or by a duly authorized representative of that person.

**California Environmental Protection Agency**



- a. For a corporation: by a responsible corporate officer such as (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor.
  - c. For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official
6. Any person signing a document under Standard Condition No. 5 shall make the following certification, whether written or implied:

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

#### **ADDITIONAL TECHNICALLY CONDITIONED CERTIFICATION CONDITIONS:**

In addition to the six standard conditions, the Discharger shall satisfy the following:

1. The Discharger shall notify the Central Valley Water Board in writing seven days prior to beginning any in-water activities.
2. Except for activities permitted by the U.S. Army Corps of Engineers under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. All areas disturbed by Project activities shall be protected from washout or erosion.
4. The Discharger shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.
5. An effective combination of erosion and sediment control Best Management Practices (BMPs) shall be implemented and adequately working during all phases of construction.
6. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.

7. The Discharger shall perform surface water sampling: 1) When performing any in-water work; 2) In the event that Project activities result in any materials reaching surface waters or; 3) When any activities result in the creation of a visible plume in surface waters. The following monitoring shall be conducted immediately upstream out of the influence of the Project and approximately 300 feet downstream of the active work area. Sampling results shall be submitted to this office by the first day of the second month following sampling. The sampling frequency and monitoring locations may be modified for certain projects with written permission from the Central Valley Water Board

Parameter	Unit	Type of Sample	Frequency of Sample
Turbidity	NTU	Grab	Every 4 hours during in-water work
Settleable Material	ml/L	Grab	Same as above
Visible construction related pollutants	Observation	Visible Inspections	Continuous throughout the construction period

8. Activities shall not cause:

- (a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), increases exceeding 2 NTU;
- (b) where natural turbidity is between 1 and 5 NTUs, increases exceeding 1 NTU;
- (c) where natural turbidity is between 5 and 50 NTUs, increases exceeding 20 percent;
- (d) where natural turbidity is between 50 and 100 NTUs, increases exceeding 10 NTUs;
- (e) where natural turbidity is greater than 100 NTUs, increases exceeding 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board.

- 9. Activities shall not cause settleable material to exceed 0.1 ml/L in surface waters as measured in surface waters downstream from the Project.
- 10. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream. The Discharger shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
- 11. The Discharger shall notify the Central Valley Water Board immediately if any of the above conditions are violated, along with a description of measures it is taking to remedy the violation.
- 12. The Discharger shall comply with all California Department of Fish and Game Code § 1600 requirements for the Project.

13. The Discharger must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities issued by the State Water Resources Control Board for any project disturbing an area of one acre or greater
14. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law and § 401 (d) of the federal Clean Water Act. The applicability of any State law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
15. If the Discharger or a duly authorized representative of the Discharger fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the Discharger will be subject to civil liability, for each day of violation, or criminal liability.
16. In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Discharger to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from them.
17. The Discharger shall allow staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.

**CENTRAL VALLEY WATER BOARD CONTACT PERSON:**

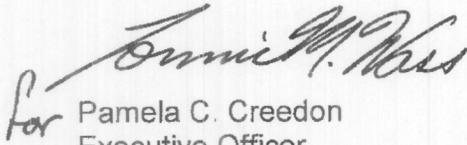
Debra Mahnke, Water Resource Control Engineer  
1685 E Street  
Fresno, CA 93706  
(559) 445-6281  
dmahnke@waterboards.ca.gov

**WATER QUALITY CERTIFICATION:**

I hereby issue an order certifying that the proposed discharge from the SR 49 Ashworth Road Left Turn Channelization Project, WDID# 5B22CR00015, will comply with the applicable provisions of §301 ("Effluent Limitations"), §302 ("Water Quality Related Effluent Limitations"), §303 ("Water Quality Standards and Implementation Plans"), §306 ("National Standards of Performance"), and §307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge

Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification."

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Discharger's project description, the attached "Project Information Sheet," and the Discharger's water quality certification application; and (b) compliance with all applicable requirements of the Central Valley Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised September 2009.

  
for Pamela C. Creedon  
Executive Officer

Enclosure: Water Quality Order No. 2003-0017 DWQ  
Attachment: Project Information Sheet

cc: Jason Brush, Supervisor, Wetlands Regulatory Office, U.S. Environmental Protection Agency, Region 9, San Francisco (email)  
Paul Maniccia, Chief, Sacramento South Branch, Regulatory Unit, Department of the Army, Corps of Engineers, Sacramento  
Bill Orme, Water Quality Certification Unit Chief, Division of Water Quality, State Water Resources Control Board, Sacramento (email)  
Jeffrey Single, Regional Manager, San Joaquin Valley-Southern Sierra Region, California Department of Fish and Game, Fresno

## PROJECT INFORMATION SHEET

**Application Date:** 21 April 2011

**Applicant:** California Department of Transportation (Caltrans)

**Applicant Representatives:** Tony Singh, Project Manager

**Project Name:** SR 49 Ashworth Road Left Turn Channelization Project

**Application Number:** WDID# 5B22CR00015

**Type of Project:** Road widening

**Project Location:** Section 32, Township 5 South, Range 19 East, MDB&M.  
Latitude: 37° 27' 28.1" and Longitude: -119° 54' 46.6"

**Project Duration:** January 2012 through November 2012

**County:** Mariposa

**Receiving Water:** Unnamed seasonal creek, San Joaquin River Hydrologic Basin, Ahwahnee Hydrologic Unit #539.11, Chowchilla River HA, Chapman Creek HSA

**Water Body Type:** Un-vegetated Streambed

**Designated Beneficial Uses:** The *Water Quality Control Plan for the Sacramento River and the San Joaquin River Basins*, Fourth Edition, revised September 2009 designates beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the Project include: Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); and Wildlife Habitat (WILD).

**Project Description:** The Project consists of widening SR 49 to provide left-turn channelization and will require extension of an existing cross culvert and extension of all underdrain perforated steel pipes crossing the road.

**Preliminary Water Quality Concerns:** Increased erosion and discharge of sediment

**Proposed Mitigation to Address Concerns:** All work will be performed during the dry season under no flow conditions. The discharger will implement best management practices required by Caltrans to ensure minimal to no impact to water quality.

**Fill/Excavation Area:** Approximately 9.6 cubic yards of clean rock and soil will be placed into 0.001 acres of un-vegetated streambed. The Project will temporarily impact 0.004 acres of un-vegetated streambed which will be restored to its original condition.

**Dredge Volume:** None

**U.S. Army Corps of Engineers Permit Number:** Nationwide Permit #14

**Department of Fish and Game Streambed Alteration Agreement:** The Discharger applied for a Streambed Alteration Agreement on 6 April 2011

**Status of CEQA Compliance:** Caltrans filed a Categorical Exemption on 3 March 2010.

The Central Valley Water Board concurs that this project meets the Categorical Exemption, under Title 14, Section 15301 of the California Code of Regulations (CCR), which exempts the minor alteration of existing public structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

**Compensatory Mitigation:** None

**Application Fee Provided:** Total fees of \$778.00 have been submitted as required by 23 CCR §3833(b)(3)(A) and by 23 CCR §2200(e).

**STATE WATER RESOURCES CONTROL BOARD**

**WATER QUALITY ORDER NO. 2003 - 0017 - DWQ**

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

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

1. Discharges eligible for coverage under these General WDRs are discharges of dredged or fill material that have received State Water Quality Certification (Certification) pursuant to federal Clean Water Act (CWA) section 401.
2. Discharges of dredged or fill material are commonly associated with port development, stream channelization, utility crossing land development, transportation water resource, and flood control projects. Other activities, such as land clearing, may also involve discharges of dredged or fill materials (e.g., soil) into waters of the United States.
3. CWA section 404 establishes a permit program under which the U.S. Army Corps of Engineers (ACOE) regulates the discharge of dredged or fill material into waters of the United States.
4. CWA section 401 requires every applicant for a federal permit or license for an activity that may result in a discharge of pollutants to a water of the United States (including permits under section 404) to obtain Certification that the proposed activity will comply with State water quality standards. In California, Certifications are issued by the Regional Water Quality Control Boards (RWQCB) or for multi-Region discharges, the SWRCB, in accordance with the requirements of California Code of Regulations (CCR) section 3830 et seq. The SWRCB's water quality regulations do not authorize the SWRCB or RWQCBs to waive certification, and therefore, these General WDRs do not apply to any discharge authorized by federal license or permit that was issued based on a determination by the issuing agency that certification has been waived. Certifications are issued by the RWQCB or SWRCB before the ACOE may issue CWA section 404 permits. Any conditions set forth in a Certification become conditions of the federal permit or license if and when it is ultimately issued.
5. Article 4, of Chapter 4 of Division 7 of the California Water Code (CWC), commencing with section 13260(a), requires that any person discharging or proposing to discharge waste, other than to a community sewer system, that could affect the quality of the waters of the State,<sup>1</sup> file a report of waste discharge (ROWD). Pursuant to Article 4, the RWQCBs are required to prescribe waste discharge requirements (WDRs) for any proposed or existing discharge unless WDRs are waived pursuant to CWC section 13269. These General WDRs fulfill the requirements of Article 4 for proposed dredge or fill discharges to waters of the United States that are regulated under the State's CWA section 401 authority.

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<sup>1</sup> "Waters of the State" as defined in CWC Section 13050(e)

6. These General WDRs require compliance with all conditions of Certification orders to ensure that water quality standards are met
7. The U.S. Supreme Court decision of *Solid Waste Agency of Northern Cook County v U S Army Corps of Engineers*, 531 U.S. 159 (2001) (the *SWANCC* decision) called into question the extent to which certain "isolated" waters are subject to federal jurisdiction. The SWRCB believes that a Certification is a valid and enforceable order of the SWRCB or RWQCBs irrespective of whether the water body in question is subsequently determined not to be federally jurisdictional. Nonetheless, it is the intent of the SWRCB that all Certification conditions be incorporated into these General WDRs and enforceable hereunder even if the federal permit is subsequently deemed invalid because the water is not deemed subject to federal jurisdiction.
8. The beneficial uses for the waters of the State include, but are not limited to, domestic and municipal supply, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation, and preservation and enhancement of fish, wildlife, and other aquatic resources.
9. Projects covered by these General WDRs shall be assessed a fee pursuant to Title 23, CCR section 3833.
10. These General WDRs are exempt from the California Environmental Quality Act (CEQA) because (a) they are not a "project" within the meaning of CEQA, since a "project" results in a direct or indirect physical change in the environment (Title 14, CCR section 15378); and (b) the term "project" does not mean each separate governmental approval (Title 14, CCR section 15378(c)). These WDRs do not authorize any specific project. They recognize that dredge and fill discharges that need a federal license or permit must be regulated under CWA section 401 Certification, pursuant to CWA section 401 and Title 23, CCR section 3855, et seq. Certification and issuance of waste discharge requirements are overlapping regulatory processes, which are both administered by the SWRCB and RWQCBs. Each project subject to Certification requires independent compliance with CEQA and is regulated through the Certification process in the context of its specific characteristics. Any effects on the environment will therefore be as a result of the certification process, not from these General WDRs. (Title 14, CCR section 15061(b)(3))
11. Potential dischargers and other known interested parties have been notified of the intent to adopt these General WDRs by public hearing notice.
12. All comments pertaining to the proposed discharges have been heard and considered at the November 4, 2003 SWRCB Workshop Session.
13. The RWQCBs retain discretion to impose individual or General WDRs or waivers of WDRs in lieu of these General WDRs whenever they deem it appropriate. Furthermore, these General WDRs are not intended to supersede any existing WDRs or waivers of WDRs issued by a RWQCB.

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

1. Dischargers shall implement all the terms and conditions of the applicable CWA section 401 Certification issued for the discharge. This provision shall apply irrespective of whether the federal license or permit for which the Certification was obtained is subsequently deemed invalid because the water body subject to the discharge has been deemed outside of federal jurisdiction.
2. Dischargers are prohibited from discharging dredged or fill material to waters of the United States without first obtaining Certification from the applicable RWQCB or SWRCB

#### CERTIFICATION

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

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

NO: None.

ABSENT: None.

ABSTAIN: None

  
Debbie Irvin  
Clerk to the Board

## Nationwide Permit Information

### **Project Information**

District No: 10

Project Title: State Route 49 Ashworth Rd.  
Left Turn Channelization

County: Mariposa

Project EA: 10-0Q610

Route: 49

Post Miles: MPA 49-PM-13.4-13.9

Project Manager: Tony Singh

Phone No.: (209) 948-7058

Project Biologist/Contact: Kriti Uppal

Phone No.: (209) 932-2371

7.5-Minute Quadrangle Name: Mariposa

Water body/Watershed: Seasonal  
Unnamed creek

Latitude/Longitude: 37°22'30"/119°52'30'

Nationwide Permit requested: #14 (Linear Transportation Projects)

### **Project Description:**

This safety project will widen State Route (SR) 49 to provide left-turn channelization from SR 49 to Ashworth Road. The widening will occur on the north side of SR 49 and will cut into the existing cut slope by about 20 feet. Lighting will be installed at the intersection of SR 49 and Ashworth Road. In order to accommodate the roadway widening, an existing cross culvert would be extended. Widening the north side of SR 49 will include extending all underdrain perforated steel pipes crossing SR 49 to the new edge of shoulder, removing and replacing the longitudinal pipe along SR 49 to the new edge of shoulder. All work will be done within existing Right of Way.

Culvert on the unnamed creek will be extended. 18" CSP (Corrugated Steel Pipe) culvert will be used. The culvert will be extended by about 28 feet and is 18 inches in diameter. 2.8 cubic yards of Rock Slope Protection (RSP) will be used. 5.3 cubic yards of site material for compaction will be used. 9.6 cubic yards of total fill material will be used to extend the culvert on this unnamed creek.

### **Lead Federal Agency**

Caltrans (under NEPA Delegation)

### **Federal Endangered Species Act (FESA)**

The above activities will have no effect to any federally listed threatened or endangered species. No critical habitat will be affected.

**Permit Being Requested (check one that applies)**

Reporting Nationwide Permit (NWP)

Non-Reporting NWP#14

**Corps Authority Information**

**Section 404:**

A section 404 permit is required from the ACOE when a project requires fill or other modification of waters of the U.S., wetlands and other waters of the U.S. are regulated under section 404 of the Federal Clean Water Act.

The project proposes to replace the existing culvert on an unnamed creek which is connected to a Chowchilla River West fork and is under the jurisdiction of ACOE as "Waters of the United States" (U.S.).

The proposed project qualifies for a Nationwide Permit #14 (Linear Transportation Projects).

**Minimal Impact Criteria**

The project will result in minimal impact to the aquatic environment. The contractor must take steps to eliminate potential impacts as directed in Caltrans' Standard Specifications. The contractor is also required by the same Standard Specifications section to give the Resident Engineer in charge of construction a written Storm Water Pollution Prevention Plan and a Water Pollution Control Plan. The project will result in 0.004 acres of temporary discharge/fill and 0.001 acres of temporary discharge/fill as a result of extension of culvert at an unnamed creek. This project has been designed to avoid and minimize adverse effects to waters of the U.S. to the maximum extent practicable.

- 1- The contractor shall at all times adhere to Caltrans' Standard BMPs to ensure minimal to no impact to water quality.
- 2- No work will be conducted outside the project limits.
- 3- All culvert extension related work will be conducted in the dry season (June-September)

**Permit Compliance Information**

**Compliance with Nationwide General Conditions:**

1. Navigation: There are no navigable waterways within the project study area that will be affected by construction activities. There will be no effects on navigation.
2. Proper Maintenance: The maintenance of the roadway will be the responsibility of Caltrans.

3. Soil Erosion and Sedimentation Controls: Caltrans' standard erosion controls will be utilized to prevent soil erosion and prevent sedimentation.
4. Aquatic Life Movements: No disruption of aquatic life movement will take place as a result of this project. Near normal downstream flows will be maintained to the greatest extent possible. All work associated with construction activities will take place during low-flow conditions and/ or dry season.
5. Equipment: Minimization measures will be taken to avoid soil disturbance in wetland areas. Such minimization measures will include avoidance of operation of heavy equipment when soils are saturated. Environmentally Sensitive Areas (ESAs) will be established around and near wetlands when construction is taking place.
6. Regional and Case-by-Case Conditions: Any regional or case specific conditions added by the ACOE or the RWQCB in its 401 Certification will be complied with. The proposed project does not occur within the vicinity or manner of any Regional Conditions outlined by the ACOE.
7. Wild and Scenic Rivers: There are no wild and scenic rivers within the project area.
8. Tribal Rights: There are no tribal rights issues within the project area.
9. Water Quality: A 401-certification package has been completed and will be submitted to the State Regional Water Quality Control Board.
10. Coastal Zone Management: Does not apply to this project.
11. Endangered Species: No threatened or endangered species will be impacted as a result of this project. Minimization measures to protect threatened and endangered species will be implemented during construction activities.
12. Historic Properties: There are no historic properties listed, or eligible for listing, in the National Register of Historic Places within the project area.
13. Notification: A Preconstruction Notification (PCN) is not required for NWP #14 as the loss of waters of the United States does not exceed 1/10 of an acre and there is no discharge in aquatic site including wetlands.
14. Use of Multiple Nationwide Permits: Caltrans is only applying for a NWP # 14 for this project.

15. Water Supply Intakes: There will be no discharge of dredged or fill material in the proximity of a public water supply intake.
16. Shellfish Beds: There are no areas of concentrated shellfish production within the project study area.
17. Suitable Material: Fill will meet suitable material standards and will be free from toxic pollutants. Fill will be limited to the minimal amount necessary to accomplish the project.
18. Mitigation: This project has been designed to avoid and minimize adverse effects to waters of the US and wetlands to the maximum extent practicable within the project study area.
19. Spawning Areas: There are no spawning areas within the project area.
20. Management of Water Flows: The project is designed to maintain pre-construction downstream flow conditions. The project will not permanently restrict or impede the passage of normal or expected high water flows.
21. Adverse Effects from Impoundments: Impoundments will not be included in construction activities. Adverse effects will not result from impoundments.
22. Waterfowl Breeding Areas: There are not designated waterfowl breeding areas within or adjacent to the project study area.
23. Removal of Temporary Fills: The temporary fill used in this project will be removed and the fill area will be returned to pre-existing elevation and contour.
24. Designated Critical Waters: There are no designated critical resource waters within the project area.
25. Fills within 100-Year Floodplains: As defined in 23 CFR Section 650.105(q), the project does not constitute a significant floodplain encroachment.

### **Nationwide Permit Requested**

Nationwide Permit #14: NWP #14 is required for activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g. roads, highways, railways, trails, airport runways, and taxiways) crossings in waters of the U.S., including wetlands. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than ½ acre of the waters of the United States.

### **Project Impact Information [Area Affected (acres)]**

Wetlands (permanent): 0.0  
Wetlands (temporary): 0.0  
Waters of the U.S. (permanent): 0.001  
Waters of the U.S. (temporary): 0.004

**Project Mitigation Information**

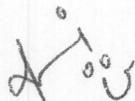
No mitigation is being proposed.

**Avoidance and minimization Measures include:**

This project has been designed to avoid and minimize adverse effects to waters of the U.S. to the maximum extent practicable at the project site.  
The following avoidance and minimization measures would be followed to protect the natural resources:

- 1- Prior to the start of construction, the project site would be clearly flagged or fenced so that the contractor would be aware of the limits of allowable site access and disturbance.
- 2- All equipment staging areas would be cleared by qualified biologist.
- 3- The contractor shall at all times adhere to Caltrans' Standard BMPs to ensure minimal to no impact to water quality.
- 4- During construction, erosion control measures would be implemented.
- 5- Should the project description and design change, the project should be re-evaluated for biological resources.
- 6- The project would be constructed during the dry season (June - September) to avoid impacts to other WOUS through construction activities such as spills and rain water runoff.

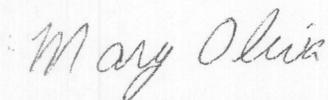
Prepared by:



Kriti Uppal, Biologist  
Central California Biology Branch

Date: 04-07-11

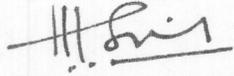
Supervisory Concurrence:



Mary Oliva, Branch Chief  
Northern San Joaquin Environmental Management Branch

Date: 4-18-11

Project Manager:



Tony Singh, Project Manager  
Program Project Management

Date 04-13-2011

Attachments

- 1: 1602 (Streambed Alteration Agreement)
- 2: 401 (Water Quality)
- 3: Project Plans
- 4: NES (MI)
- 5: Copy of CE/CE

**CALIFORNIA DEPARTMENT OF FISH AND GAME**  
**REGION 4 - CENTRAL REGION**  
1234 East Shaw Avenue  
Fresno, California 93710



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION NO. 1600-2011-0087-R4  
Unnamed Tributary to Chowchilla River West Fork, Mariposa County

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**  
**CALTRANS DISTRICT 10**  
Tony Singh  
1976 East Dr. Martin Luther King Jr. Boulevard  
Stockton, California 95205

**SR 49 ASHWORTH LEFT TURN CHANNELIZATION**  
10-MPA-49 PM 13.3-13.9 EA 10-0Q610

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Game (DFG) and the California Department of Transportation Caltrans District 10 (Permittee) as represented by Tony Singh acting on behalf of Permittee.

## **RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified DFG on April 19, 2011, that Permittee intends to complete the Project described herein.

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

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

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

## **PROJECT LOCATION**

The Project is located at Post Mile (PM) 13.3 to 13.9 of State Route (SR) 49 along the unnamed Tributary to Chowchilla River west fork, in the County of Mariposa, State of California; Latitude 37 22" 30' N, Longitude -119 52" 30' W, Township 5 South, Range 19 East, Section 32, United States Geological Survey (USGS) map Mariposa, Mount Diablo meridian.

## PROJECT DESCRIPTION

The Project is limited to:

- The Project will widen SR 49 to provide left-turn channelization from SR 49 to Ashworth Road. The widening will occur on the north side of SR 49 and will cut into the existing cut slope by about 20 feet. A streetlight will be installed at the intersection of SR 49 and Ashworth Road.
- In order to accommodate the roadway widening, an existing culvert would be extended. Widening the north side of SR 49 will include extending all under-drain perforated steel pipes crossing SR 49 to the new edge of shoulder, removing and replacing the longitudinal pipe along SR 49 to the new edge of shoulder. All work will be done within the existing Right of Way.
- The culvert on the unnamed creek will be extended using 18-inch Corrugated Steel Pipe (CSP). The culvert will be extended about 28 feet, and 2.8 cubic yards of Rock Slope Protection (RSP), 5.3 cubic yards of site material for compaction, and 9.6 cubic yards of total fill material will be used to extend the culvert.
- Equipment to be used includes: backhoe, excavator, bulldozer, and bobcat.
- The Project is not anticipated to require the removal of any trees.
- Work will be done when the channel is dry.

## PROJECT IMPACTS

This Agreement is intended to avoid, minimize, and mitigate adverse impacts to the fish and wildlife resources that occupy the area of the unnamed tributary to the Chowchilla River west fork, and the immediate adjacent riparian habitat. Absent implementation of the protective measures required by this Agreement, the following species and habitat types could potentially be impacted within the area covered by this Agreement: Species of Special Concern Western pond turtle (*Actinemys marmorata*), as well as birds, mammals, fish, reptiles, amphibians, invertebrates and plants that comprise the local riparian ecosystem.

## MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

### 1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1. Documentation at Project Site: Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the Project site at all times and shall be presented to

DFG personnel or personnel from another State, Federal, or local agency upon request.

- 1.2. Providing Agreement to Persons at Project Site: Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the Project at the Project site on behalf of Permittee; including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3. Notification of Conflicting Provisions: Permittee shall notify DFG if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the Project by another local, State, or Federal agency. In that event, DFG shall contact Permittee to resolve any conflict.
- 1.4. Project Site Entry: Permittee agrees that DFG personnel may enter the Project site at any time to verify compliance with the Agreement.
- 1.5. Legal Obligations: This Agreement does not exempt the Permittee from complying with all other applicable local, State and Federal law, or other legal obligations.
- 1.6. Unauthorized "Take:" This Agreement does not authorize the "take" (defined in Fish and Game Code Section 86 as to hunt, pursue, catch, capture, or kill; or attempt to hunt, pursue, catch, capture, or kill) of State- or Federal-listed threatened or endangered species. Any such "take" shall require separate permitting as may be required.
- 1.7. Water Diversion: To the extent that the Provisions of this Agreement provide for the diversion of water, they are agreed to with the understanding that the Permittee possesses the legal right to so divert such water.
- 1.8. Trespass: To the extent that the Provisions of this Agreement provide for activities that require the Permittee to trespass on another owner's property, they are agreed to with the understanding that the Permittee possesses the legal right to so trespass.
- 1.9. Construction/Work Schedule: The Permittee shall submit a **construction/work schedule** to DFG (mail, or fax to (559) 243-4020, with reference to Agreement 1600-2011-0087-R4) prior to beginning any activities covered by this Agreement. The Permittee shall also notify DFG upon the completion of the activities covered by this Agreement.
- 1.10. Training: Prior to starting any activity within the stream, all employees, contractors, and visitors who will be present during Project activities shall have received training from a qualified individual on the contents of this Agreement, the resources at stake, and the legal consequences of non-compliance. A **training sign-in sheet** for the employees and

contractors shall be provided to DFG and shall include the date of the training and who gave the training.

## 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. Construction/Work Hours: All non-emergency work activities during the construction phase will be confined to daylight hours.
- 2.2. Flagging/Fencing: Prior to any activity within the channel, the Permittee shall identify the limits of the required access routes and encroachment into the stream. These "work area" limits shall be identified with brightly colored flagging/fencing. Work completed under this Agreement shall be limited to this defined area only. Flagging/fencing shall be maintained in good repair for the duration of the Project. All areas beyond the identified work area limits shall be considered Environmentally Sensitive Areas (ESA) and shall not be disturbed.
- 2.3. Listed Species: This Agreement does not allow for the "take," or "incidental take," of any State- or Federal-listed threatened or endangered species.
  - 2.3.1. The Permittee affirms that no "take" of listed species will occur as a result of this Project and will take prudent measures to ensure that all "take" is avoided. The Permittee acknowledges that they fully understand that they do not have "incidental take" authority. If any State- or Federal-listed threatened or endangered species occur within the proposed work area or could be impacted by the work proposed, and thus "taken" as a result of Project activities, the Permittee is responsible for obtaining and complying with required State and Federal threatened and endangered species permits or other written authorization before proceeding with this Project.
  - 2.3.2. Liability for any "take," or "incidental take," of such listed species remains the separate responsibility of the Permittee for the duration of the Project.
  - 2.3.3. The Permittee shall immediately notify DFG of the discovery of any such rare, threatened, or endangered species prior to and/or during construction.
- 2.4. Fish and Wildlife: If any fish or wildlife is encountered during the course of construction, said fish and wildlife shall be allowed to leave the construction area unharmed.
  - 2.4.1. An approved biologist shall perform **general wildlife surveys** of the Project area (including access routes and storage areas) prior

to Project construction start with particular attention to evidence of the presence of the species listed above and shall report any possible adverse affect to fish and wildlife resources not originally reported. If the survey shows presence of any wildlife species which could be impacted, Permittee shall contact DFG and mitigation, specific to each incident, shall be developed. If any State- or Federal-listed threatened or endangered species are found within the proposed work area or could be impacted by the work proposed, a new Agreement and/or a 2081(b) State Incidental Take Permit may be necessary and a new CEQA analysis may need to be conducted, before work can begin.

2.4.2. To protect nesting birds, no construction shall be completed from March 1 through July 31 unless the following **avian surveys** are completed by a qualified biologist:

- **Raptors:** Survey for nesting activity of raptors within a 0.5-mile radius of the construction site. Surveys shall be conducted at appropriate nesting times and concentrate on trees with the potential to support raptor nests. If any active nests are observed, these nests and nest trees shall be designated an ESA and protected (while occupied) during Project construction.
- **Other Avian Species:** Survey riparian areas for nesting activity within a 0.25-mile radius of the defined work area two (2) to three (3) weeks before construction begins. If any nesting activity is found, the Permittee shall contact DFG and mitigation, specific to each incident, shall be developed.

2.5. Vegetation: The disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations and shall only occur within the defined work area. Precautions shall be taken to avoid other damage to vegetation by people or equipment. Vegetation or material removed from the riparian area shall not be stockpiled in the streambed or on its banks without measures to ensure its stability, preventing accidental discharge into the stream.

2.5.1. No native riparian trees, shrubs or oak trees shall be removed or impacted as a result of planned construction activities for this Project.

2.6. Vehicles and Equipment: Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic and terrestrial life.

- 2.6.1. Vehicles shall not operate in the channel at any time, except that a backhoe or similar equipment operated from a bridge or along the top of the bank may extend toward the channel to facilitate placing of RSP or other fill material.
- 2.6.2. Construction vehicle access to the stream's banks and bed shall be limited to predetermined ingress and egress corridors on existing roads. All other areas adjacent to the work site shall be considered an ESA and shall remain off-limits to construction equipment. Vehicle corridors and the ESA shall be identified by the Permittee's resident engineer in consultation with the DFG representative.
- 2.7. Staging and Storage Areas: Staging and storage areas for equipment, materials, fuels, lubricants, and solvents shall be located outside of the stream channel and banks, and to the extent possible, on previously disturbed ground. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream, shall be positioned over drip-pans. Vehicles shall be moved away from the stream prior to refueling and lubrication.
- 2.8. Pollution: The Permittee and all contractors shall be subject to the water pollution regulations found in the Department of Fish and Game Code sections 5650 and 12015.
  - 2.8.1. Raw cement, concrete or washings thereof, asphalt, drilling fluids or lubricants, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to fish or wildlife resulting from or disturbed by Project-related activities, shall be prevented from contaminating the soil and/or entering the "Waters of the State."
  - 2.8.2. All Project-generated debris, building materials, and rubbish shall be removed from the stream and from areas where such materials could be washed into the stream.
  - 2.8.3. In the event that a spill occurs, all Project activities shall immediately cease until cleanup of the spilled materials is completed. DFG shall be notified immediately by the Permittee of any spills and shall be consulted regarding cleanup procedures.
- 2.9. Structures: The Permittee shall confirm that all structures are designed (i.e., size and alignment), constructed and maintained such that they shall not cause long-term changes in water flows that adversely modify the existing upstream or downstream stream bed/bank contours or increase sediment deposition or cause significant new erosion.

- 2.10. Fill: Rock, gravel, and/or other materials shall not be imported into or moved within the stream, except as otherwise addressed in this Agreement. Only on-site materials and clean imported fill shall be used to complete the Project. Fill shall be limited to the minimal amount necessary to accomplish the agreed activities. Excess and temporary fill material shall be moved off-site at Project completion.
- 2.11. Spoil: Spoil storage sites shall not be located within the stream, where spoil will be washed into the stream, or where it will cover aquatic or riparian vegetation. Rock, gravel, and/or other materials shall not be imported into or moved within the bed or banks of the stream, except as otherwise addressed in this Agreement.
- 2.12. Erosion: No work within the banks of the stream will be conducted during or immediately following large rainfall events, or when there is water flowing within the channel. All disturbed soils within the Project site shall be stabilized to reduce erosion potential, both during and following construction. Temporary erosion control devices, such as straw bales, silt fencing, and sand bags, may be used as appropriate to prevent siltation of the stream. Any installation of non-erodible materials not described in the original Project description shall be coordinated with DFG. Coordination may include the negotiation of additional Agreement Provisions for this activity.
- 2.13. Turbidity: Turbid water shall not be discharged into the stream, or created within the stream. The Permittee's ability to minimize siltation shall be the subject of preconstruction planning and feature implementation. Precautions to minimize siltation may require that the work site be isolated so that silt or other deleterious materials are not allowed to pass to downstream reaches. The placement of any structure or materials in the stream for this purpose, not included in the original Project description, shall be coordinated with DFG. If it is determined that silt levels resulting from Project-related activities constitute a threat to aquatic life, activities associated with the siltation shall be halted until effective DFG-approved control devices are installed, or abatement procedures are initiated.
- 2.14. Restoration: Excess material must be removed from the Project site, pursuant to Department of Transportation Standard Specifications Section 7-1.13
- 2.14.1. All disturbed soils and new fill, including recontoured slopes and all other cleared areas, shall be revegetated with riparian vegetation or other plants, as appropriate to prevent erosion. If the Project causes any exposed slopes or exposed areas on the stream banks, these areas shall be seeded with a blend of a minimum of three (3) locally native grass species and covered with a protective layer of weed-free straw or mulch. One (1) or two (2) sterile non-native

perennial grass species may be added to the seed mix provided that amount does not exceed 25 percent of the total seed mix by count. Locally native wildflower and/or shrub seeds may also be included in the seed mix. The seeding shall be completed as soon as possible, but no later than November 15 of the year construction ends. A **seed mixture** shall be submitted to DFG for approval prior to application. At the discretion of DFG, all exposed areas where seeding is considered unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding, straw, or mulch as soon as is practical on a date mutually agreed upon.

### 3. **Compensatory Measures**

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

3.1. Revegetation: The Notification states that no trees need to be removed for the implementation of this Project. If any native riparian trees or shrubs greater than four (4) inches in diameter at breast height (DBH) is/are accidentally damaged or removed from the Project area due to unplanned construction activities, the Permittee shall develop a **Revegetation Plan** for the site and immediately submit it to DFG for approval. All Plans shall specifically address what, where, when, and how replacement shrubs and trees will be planted.

3.1.1. What species and the number of trees both removed and to be planted should be identified. Native riparian trees and shrubs (e.g., cottonwood, willow, sycamore, valley oak, etc.) between four (4) to 25-inches DBH shall be replaced in-kind at a ratio of 3:1, and trees greater than 25-inches DBH shall be replaced at a ratio of 10:1.

3.1.2. Where should be on-site whenever possible.

3.1.3. When should be the first suitable season after construction is complete.

3.1.4. How should include layout, monitoring, and maintenance to ensure a minimum of 70 percent survival for the plantings after five (5) years.

### 4. **Monitoring and Reporting Measures**

Permittee shall meet each reporting and monitoring requirement described below.

4.1. Monitoring Obligations of the Permittee:

- 4.1.1. The Permittee shall have primary responsibility for monitoring compliance with all protective measures included as "Measures" in this Agreement. Protective measures must be implemented within the time periods indicated in the Agreement. DFG shall be notified immediately if monitoring reveals that any of the protective measures were not implemented during the period indicated in this program, or if it anticipates that measures will not be implemented within the time period specified.
- 4.1.2. The Permittee (or the Permittee's designee) shall ensure the implementation of the Measures of the Agreement, and shall monitor the effectiveness of these Measures. DFG shall be notified immediately if any of the protective measures are not providing the level of protection that is appropriate for the impact that is occurring, and recommendations, if any, for alternative protective measures.

4.2. Reporting Obligations of the Permittee:

- 4.2.1. The Permittee shall submit the following Reports described in the Measures above to DFG:
- Construction/work schedule (Measure 1.9).
  - Employees and contractors training sign-in sheet (Measure 1.10).
  - Results of general wildlife surveys (Measure 2.4.1).
  - Results of avian surveys if construction is scheduled during the nesting season (Measure 2.4.2).
  - The seed mixture to be used post Project for erosion control (Measure 2.14.1).
  - If required, a Revegetation Plan (Measure 3.1).
- 4.2.2. A Final Project Report shall be submitted to DFG within 30 days after the Project is completed. The final report shall summarize the Project construction, including any problems relating to the protective measures of this Agreement and how the problems were resolved. "Before and after" photo documentation of the Project site shall be included.

## **VERIFICATION OF COMPLIANCE:**

DFG may verify compliance with protective measures to ensure the accuracy of Caltrans' monitoring and reporting efforts at any point in time it is deemed necessary. DFG may, at its sole discretion, review relevant Project documents maintained by the Permittee, interview Permittee employees and agents, inspect the Project area, and take other actions to assess compliance with or effectiveness of protective measures for the Project.

## **CONTACT INFORMATION**

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

### **To Permittee:**

California Department of Transportation (Caltrans)  
District 10  
Kriti Uppal  
1976 East Dr. Martin Luther King Jr. Boulevard  
Stockton, California 95205  
(209) 932-2371  
[kriti\\_uppal@dot.ca.gov](mailto:kriti_uppal@dot.ca.gov)  
cc: [tony\\_singh@dot.ca.gov](mailto:tony_singh@dot.ca.gov)

### **To DFG:**

Department of Fish and Game  
Region 4 - Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
Attn: Lake and Streambed Alteration Program – Laura Peterson-Diaz  
Notification No. 1600-2010-0072-R4  
Phone: (559) 243-4017, extension 225  
Fax: (559) 243-4020  
[lpdiaz@dfg.ca.gov](mailto:lpdiaz@dfg.ca.gov)

## **LIABILITY**

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

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

## **SUSPENSION AND REVOCATION**

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

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

## **ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

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

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

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

## **AMENDMENT**

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

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

## **TRANSFER AND ASSIGNMENT**

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

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

## **EXTENSIONS**

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

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

## **EFFECTIVE DATE**

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

## **TERM**

This Agreement shall remain in effect for five (5) years beginning on the date signed by DFG, 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.

## **CEQA COMPLIANCE**

In approving this Agreement, DFG is independently required to assess the applicability of CEQA. The features of this Agreement shall be considered as part of the overall Project description. The Permittee's concurrence signature on this Agreement serves as confirmation to DFG that the activities that shall be conducted under the terms of this Agreement are consistent with the Project described in Notification No. 2011-0087-R4. Caltrans, as CEQA Lead agency signed a Class 1 Categorical Exemption on March 3, 2010. DFG, as a CEQA Responsible Agency, shall submit a Notice of Exemption to the State Clearinghouse upon signing this Agreement. DFG's concurrence with Caltrans CEQA Determination is based upon the Permittee's commitment to full implementation of the Measures of this Agreement.

## **EXHIBITS**

The document(s) listed below is included as an exhibit to the Agreement and incorporated herein by reference.

A. Figure 1. Project Location USGS Quad Map.

**AUTHORITY**

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

**AUTHORIZATION**

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

**CONCURRENCE**

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

**FOR CALIFORNIA DEPARTMENT OF TRANSPORTATION**

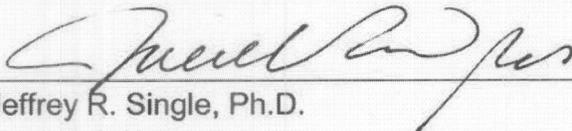


\_\_\_\_\_  
Tony Singh  
Project Manager

06-20-2011

Date

**FOR DEPARTMENT OF FISH AND GAME**



\_\_\_\_\_  
Jeffrey R. Single, Ph.D.  
Regional Manager

06/27/11

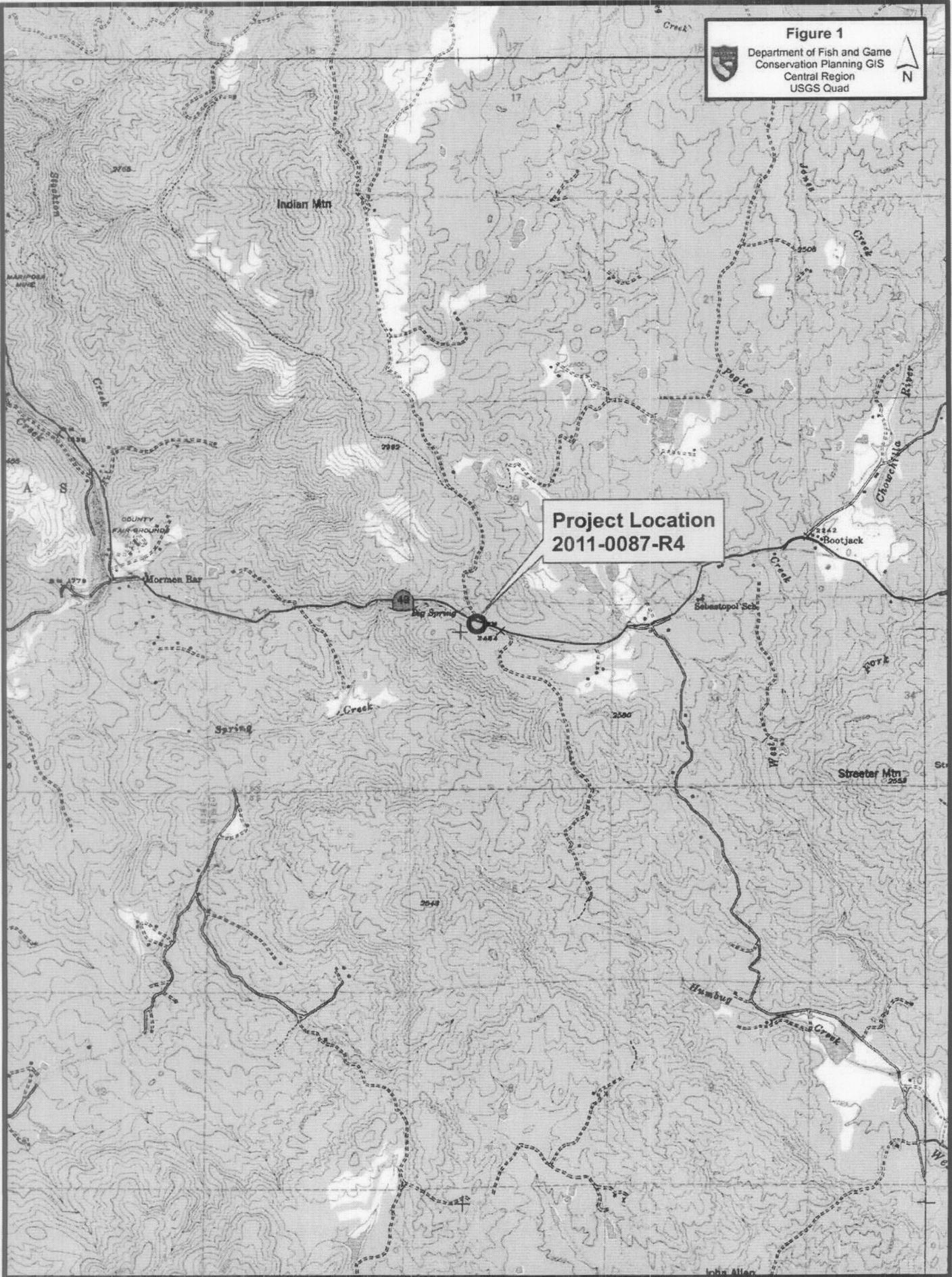
Date

Prepared by: Laura Peterson-Diaz  
Environmental Scientist

**Figure 1**

**Exhibit A**

**Figure 1**  
Department of Fish and Game  
Conservation Planning GIS  
Central Region  
USGS Quad



## Memorandum

*Flex your power!  
Be energy efficient!*

**To:** MR. DAVID SANGHA  
Senior Transportation Engineer  
Central Region – Design 4  
Branch X

**Date:** October 12, 2010

**Attn:** Mr. Baljit Kandola

**File:** 10-Mpa-49  
PM 13.3/13.9  
EA: 10-0Q6101  
Ashworth Road Left Turn  
Channelization

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

**Subject:** District Geotechnical Report

### Introduction

As requested, the Office of Geotechnical Design North (OGDN) is providing a Geotechnical Design Report (GDR) for the proposed widening on Highway 49 at Ashworth Road near the town of Mariposa, Mariposa County, California. The project is to take place from post miles 13.3 to 13.9 and will consist of widening the east side of Highway 49 in order to provide a left turn pocket for Ashworth Road.

### Existing Conditions and Proposed Improvements

The project is situated on Highway 49, in Mariposa County, between postmiles 13.3 and 13.9. Highway 49 trends roughly east-west in this area, and was constructed on a cut section for the majority of the project length. The cut slope on the north side of the highway ranges in height from zero to about 30-feet. The cut slope on the south side of the highway ranges in height from about 10 to 20 feet. The slope was originally graded at 1.5:1 (H:V). Currently, Ashworth Road trends toward the south from Highway 49. A sub-pavement drainage system and culverts consisting of 8-inch to 36-inch PSP's and CMP's control subsurface water.

According to as-builts from 1985 (Contract No. 10-340904), the subsurface drainage system is comprised of eight-inch PSP edge drains trending parallel to the roadway underlying the north and southbound shoulders and connected via 12-inch PSP underdrains, draining out towards the northeast and northwesterly portions of the project (Figure 6). Risers associated with the

underdrains were observed on the northerly side of Highway 49 and the southerly side of the roadway, east of Ashworth Road. Although risers were located on the plans west of Ashworth Road, on the south side of the highway, none were observed.

The proposed project will widen Highway 49 from 32-feet to 48-feet, providing three, 12-foot lanes, a 4-foot wide shoulder to the south of Highway 49 and an 8-foot wide shoulder to the north of Highway 49. The widening is anticipated to cut into the existing cut slope to the north of the highway by about 20 feet. The widening is not anticipated to extend into the cut slope on the south side of the highway. The addition of intersection lighting is also proposed. The subpavement drainage paralleling the north side of Highway 49 will be removed and replaced by a new subdrainage system underlying the new shoulder.

#### Physical Setting

The physical setting of the project site and the surrounding area was reviewed to provide climate, topography and drainage, geology and seismicity characteristics to aid in preliminary project design and construction planning. The following is a discussion of our review:

#### Climate

According to the Western Regional Climate Center for the time period between 1893-1984, the average annual precipitation at the Mariposa Station is about 30.08 inches. The majority of this precipitation (over 60 percent) falls between November and April. The average annual snowfall is about 6.4 inches. The average annual snow depth is zero inches. The average annual air temperature was not available for this station. Temperature data from the Cathay Bull Run Ranch indicated the average annual maximum temperature is approximately 73.6° F and the average annual minimum temperature is 45.5° F. The highest average daily maximum of 95.5° F in July and the lowest average daily minimum of 33.5° F in January.

#### Topography and Drainage

According to the USGS topographic map of the Mariposa 7.5 minute quadrangle (1981), the project site lies at an elevation of 2454 feet above mean sea level as indicated by a bench mark to the west of Ashworth Road. The town of Mormon Bar is to the west of the site and the town of Bootjack lies to the east of the project site. The adjacent cut slopes range in height from zero feet to about ten feet above road grade. The adjacent fill slopes were graded at 2:1 with a maximum height of about ten feet. A copy of the topographic map is included as Figure 2.

Regional drainage is to the south and west. Numerous small ponds are observed to the east and north of the project site. Big Spring is observed to the west of the project site and feeds into Big Spring Creek to the southwest.

### Site Geology

According to the Geologic Map of the Mariposa quadrangle, (Koenig, 1985), the majority of the project site lies in the Pre-Cretaceous metavolcanic rocks east of the Melones Fault. These rocks are typically high-grade chlorite schists derived from the metamorphosis of basalt and andesitic lava flows. An aplite dike of Cretaceous age trends through the central portion of the project site. It is a fine to medium grained igneous rock, locally containing garnets and tourmaline. A portion of the geologic map is included as Figure 3 and a copy of the legend is included as Figure 4.

The Geologic Map of California, Mariposa Sheet (CDMG, 1967) indicates the site geology consists of Jurassic/Triassic marine sediments overlying Mesozoic granitic rocks. The marine sediments are observed to overlie the granitic rocks in the upper ten feet of the cut slope to the north of Ashworth Road. The sediments consist of gravelly sandy SILT with cobbles.

The soil survey of the Mariposa County Area, California (USDA, Web Soil Survey) indicates the upper 3.5 feet of soils throughout the project area consist of sandy loam to rocky loam with upwards of 50 percent clay content. The clay was indicated to have a low plasticity.

The State of California, Department of Conservation Map of California Showing Principle Asbestos Deposits was reviewed. According to this map, the site lies to the south of an area of naturally occurring asbestos. Asbestos forming minerals such as chrysotile, actinolite or tremolite were not observed during the site reconnaissance.

### Seismicity

The Department's California Seismic Hazard Map, 1996 (with errata), was also reviewed. The map indicates that the controlling fault for the project is the Prairie Creek-Spenceville-Dentman fault (PSD), which lies approximately 10.5 miles (16.8 km) southwest of the project location. The fault is classified as a normal type fault and is expected to be capable of producing a Maximum Credible Earthquake (MCE) of magnitude 6.5. The MCE from this source is expected to produce a peak bedrock acceleration on the order of 0.26 g at the project location based on the Geometrix (1997) attenuation equation.

### Recommendations

We feel that the proposed 1.5:1 (H:V) slopes within the granitic rock are constructible. We anticipate that blasting will be necessary to perform the 20-foot widening through the existing cut slope. Blasting is anticipated to be required on approximately 60 percent of the new cutslope, between Station 747 and the end of the project at Station 754.2. We recommend the use of the "Rock Excavation Controlled" Standard Special Provision due to the proximity of the blasting to the roadway and surrounding structures.

The upper ten feet of the slope consists of gravelly CLAY and clayey SAND. These soils should be cut at 2:1 (H:V) to help prevent potential surficial erosion that may cause material to enter the roadway. Figure 5 shows the area that will need to be cut at 2:1 (H:V).

#### Construction Considerations

Any addition of fill to the existing embankments shall conform to Section 19-6 "Embankment Construction" of the Department Standard Specifications, May 2006.

The construction of subdrains should be performed in conformance with Section 68 "Subsurface Drains".

#### Pertinent Reports and Investigations

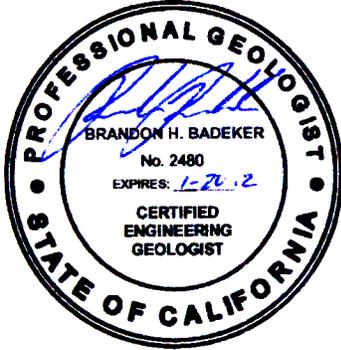
The District has provided project plans. The following presents a list of references used in preparation of this report.

- Krauskopf, K.B., 1985, Geologic map of the Mariposa quadrangle, Mariposa and Madera Counties, California: U.S. Geological Survey, Geologic Quadrangle Map GQ-1586, scale 1:62500
- Strand, R.G., 1967, Geologic map of California: Mariposa sheet: California Division of Mines and Geology, scale 1:250000
- Western Regional Climate Center for 1893-1984
- USGS Topographic Map of the Mariposa 7.5' quadrangle, 1:24,000, 1981
- "California Seismic Hazard Map", prepared by Caltrans, dated 1996
- Sadigh, et al, 1997 attenuation equations,  
[http://peer.berkeley.edu/course\\_modules/eqrd/IntExmp/atten03.htm#calcanch](http://peer.berkeley.edu/course_modules/eqrd/IntExmp/atten03.htm#calcanch)
- United States Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, <http://websoilsurvey.nrcs.usda.gov/app/>
- Project Plans for Construction on State Highway in Mariposa County about 5 miles south of Mariposa from 0.2 mile east to 0.2 mile west of Ashworth Road, Contract No. 10-340904, dated August 6, 1985.
- District Preliminary Geotechnical Report, Caltrans, March 12, 2009

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October 12, 2010  
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Ashworth Road Left Turn Channelization  
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EA: 10-0Q6101

If you have any questions or comments, please call Brandon Badeker at (916) 227-1046.

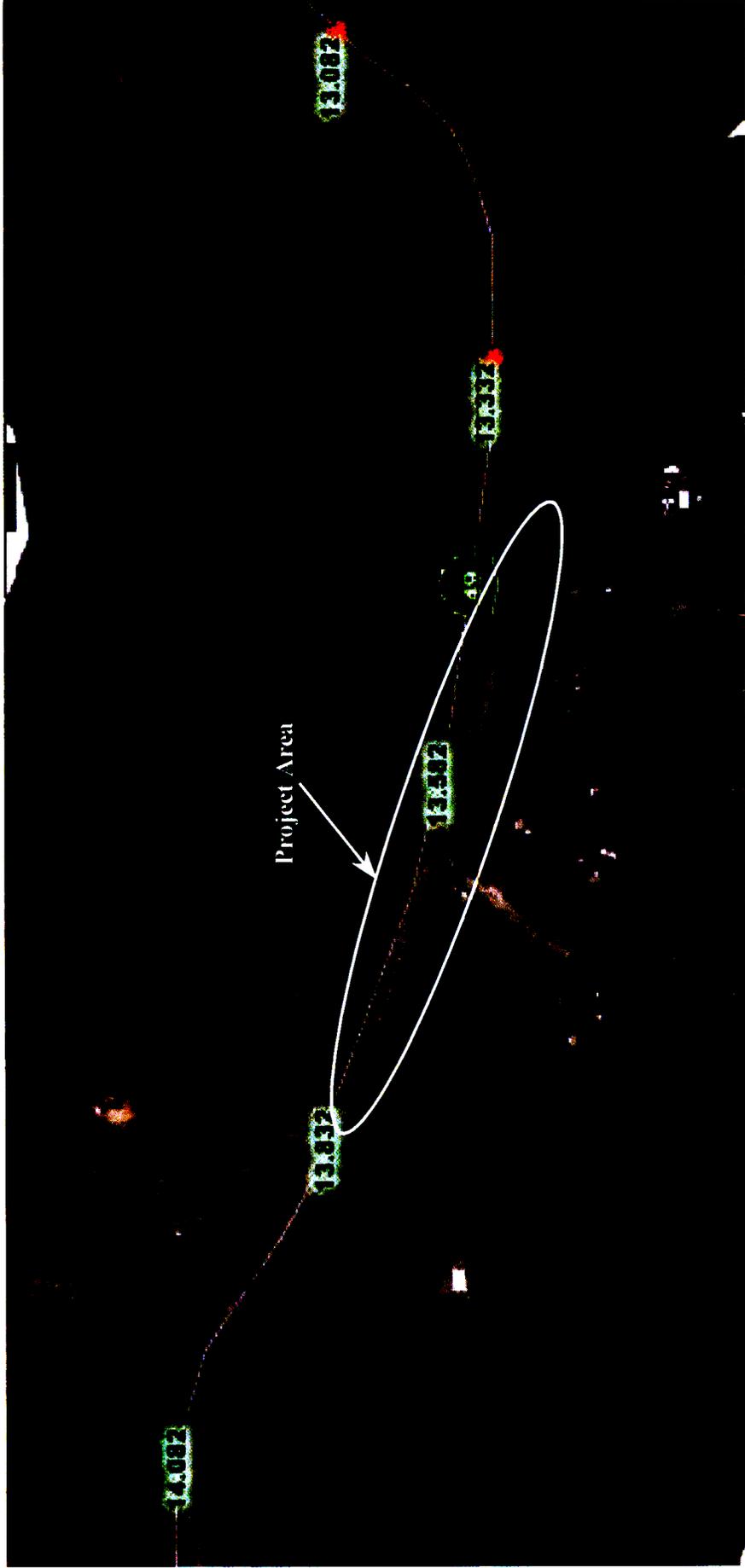


BRANDON BADEKER, CEG  
Engineering Geologist  
Geotechnical Design - North

Attachment:

- Figure 1: Aerial Photograph
- Figure 2: Topographic Map
- Figure 3: Geologic Map
- Figure 4: Geologic Legend
- Figure 5: Cut Slope Detail
- Figure 6: Subdrain Layout

C: RBibbens (E-copy)  
JHuang (E-copy)  
Mwillian (GS Corporate)  
Tony Singh (District 10 Project Manager)  
Alfred Blum (District 10 Construction RE, Pending File)  
Dave Dhillon (District 10 Materials Engineer)  
GDN File



EA: 10-00Q6100  
 Date: OCTOBER 2010

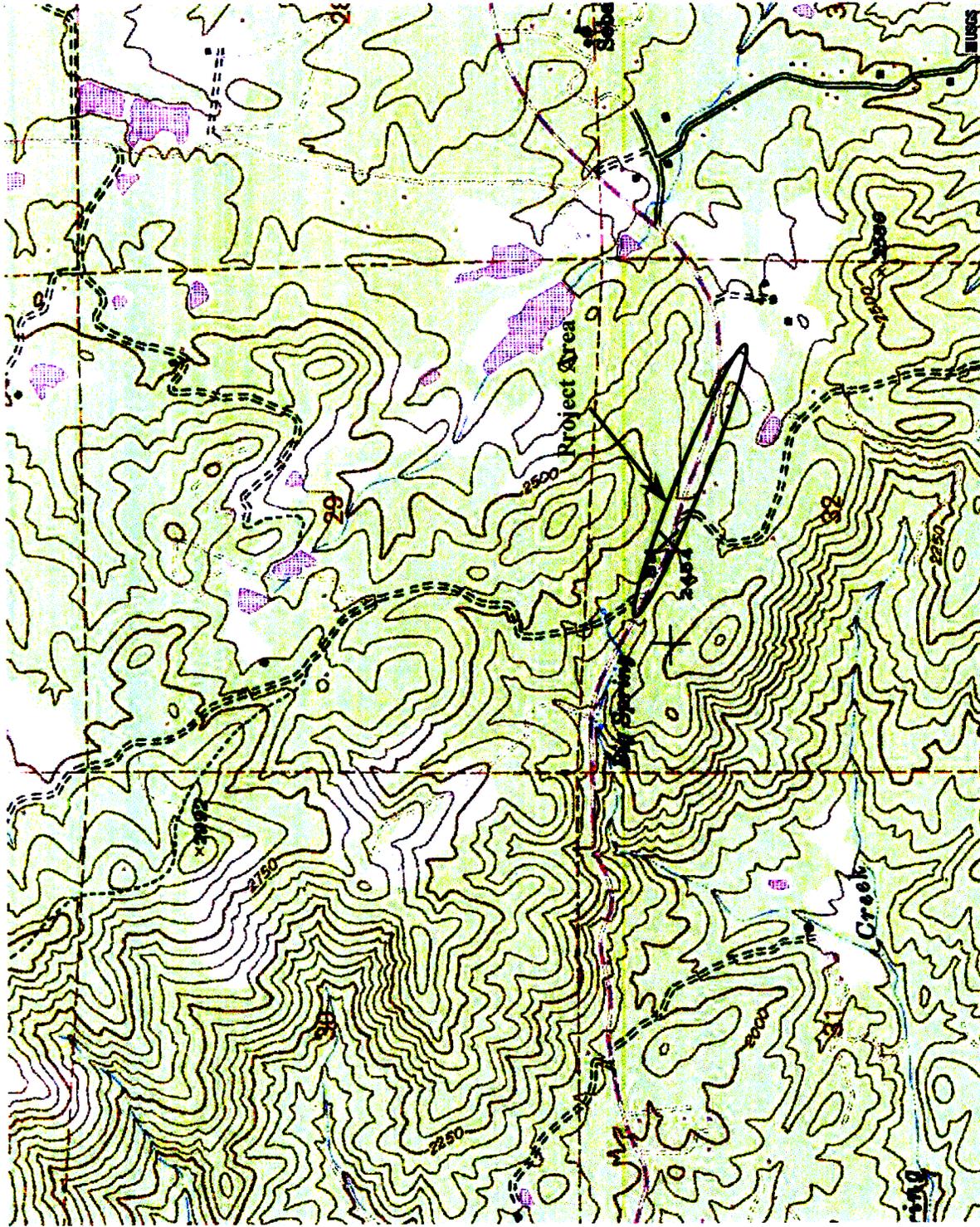
**AERIAL PHOTOGRAPH**

Figure 1

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10-Mpa-49 PM 13.3/13.9





Map adapted from:  
USGS Topographic Map of the Mariposa 7.5 minute quadrangle, 1981.

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## TOPOGRAPHIC MAP

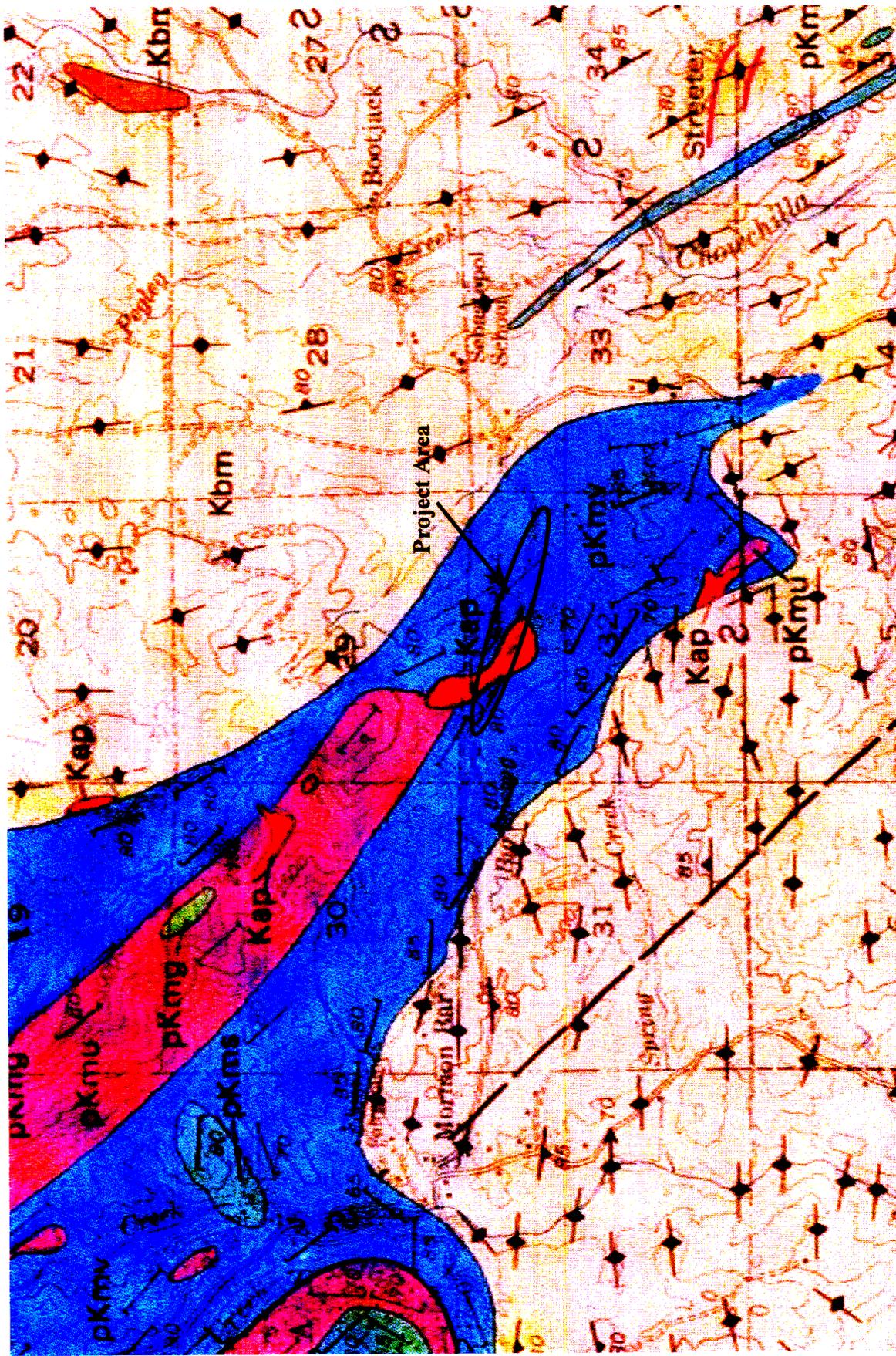
Figure 2

**CALTRANS**

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Map adapted from: Krauskopf, K.B., 1985, Geologic map of the Mariposa quadrangle, Mariposa and Madera Counties, California: U.S. Geological Survey, Geologic Quadrangle Map GQ-1586, scale 1:62500

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Figure 3

**GEOLOGIC MAP**

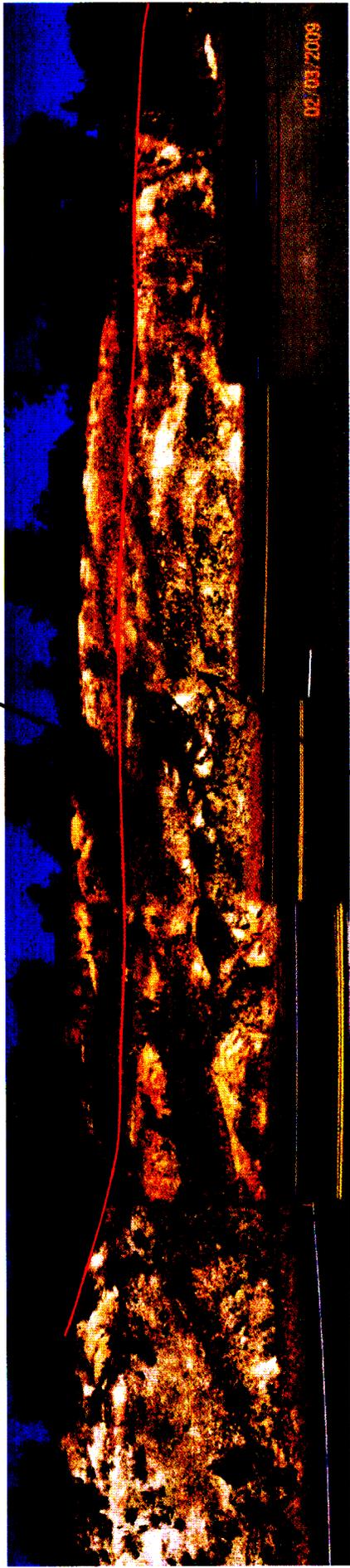
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2:1 (H:V)



1.5:1 (H:V)

Station 747+00

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 Date: OCTOBER 2010

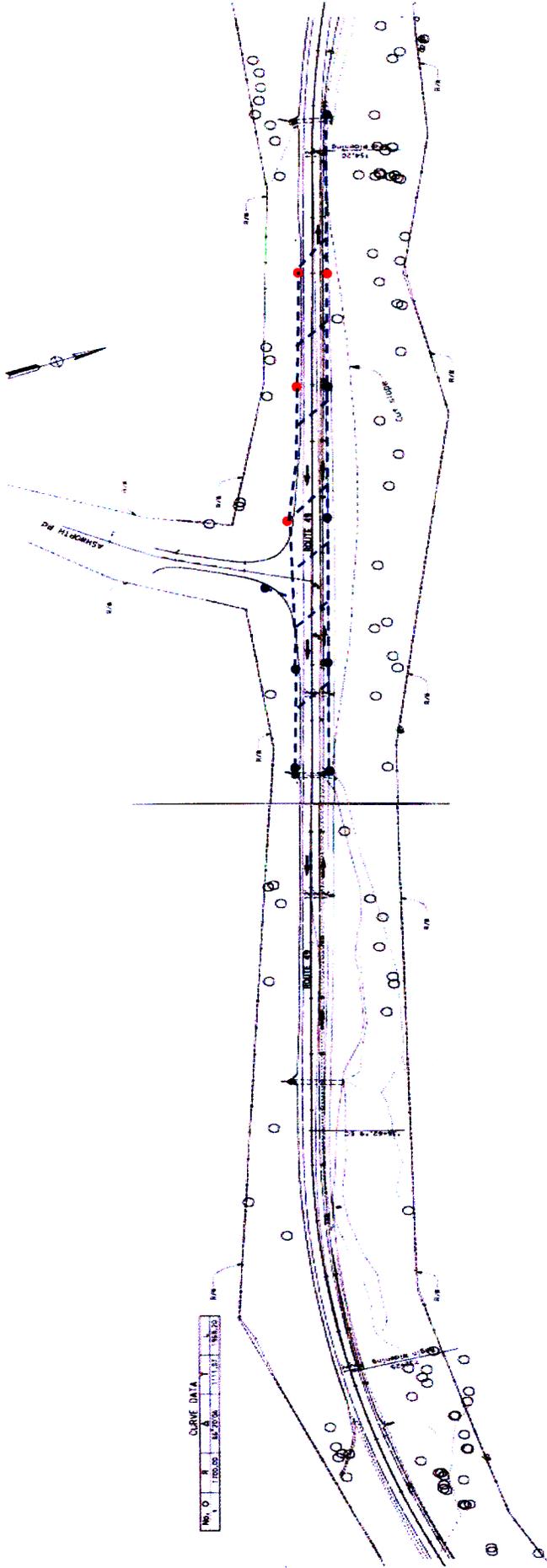
### CUT SLOPE DETAIL

Figure 5

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- Location of risers observed in field
- Location of risers on As-Built plans (Contract No. 10-340904), not observed in field
- Location of subdrain on As-Built plans (Contract No. 10-340904), not observed in field

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Figure 6

## SUBDRAIN LAYOUT

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