

INFORMATION HANDOUT

For Contract No. [10-1C0204](#)

At [SJ - 12 - R4.4](#)

Identified by

Project ID [1001014000061](#)

PERMITS

U.S. Fish and Wildlife Service

United States Army Corps of Engineers

Non-Reporting Nationwide 404

WATER QUALITY

California Regional Water Quality Control Board

Central Valley Region

Board Order No. [2003-0017](#)



2012 JUN 25 PM 1 14



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

22 June 2012

Mark McAvoy
California Department of Transportation
1976 Dr. Martin Luther King Jr. Boulevard
Stockton, CA 95201

CERTIFIED MAIL
7011 2970 0003 8939 1255

***CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY
CERTIFICATION; CALIFORNIA DEPARTMENT OF TRANSPORTATION, LITTLE POTATO
SLOUGH BEARING PAD REPLACEMENT PROJECT (WDID#5B39CR00209),
SAN JOAQUIN COUNTY***

This Order responds to your 16 March 2012 application submittal for the Water Quality Certification of a bridge bearing pad replacement project permanently impacting 0.09 acre of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Nationwide Permit# 14 (Non-Reporting) under § 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification (Certification) action that 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 the California Code of Regulations.
2. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to § 3855(b) of the California Code of Regulations, 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 § 3833 of the California Code of Regulations, unless otherwise stated in writing by the certifying agency.

4. This Certification is valid for the duration of the described project. This Certification is no longer valid if the project (as currently described) is modified, or coverage under § 404 of the Clean Water Act has expired.
5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
 - (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 number 5 shall make the following certification:

"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 TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the California Department of Transportation shall satisfy the following:

1. The California Department of Transportation shall notify the Central Valley Water Board in writing 7 days in advance of the start of any work within waters of the United States or State. The notification shall include the name of the project and the WDID number, and shall be sent to the Central Valley Water Board Contact indicated in this Certification.
2. Except for activities permitted by the United States 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. The California Department of Transportation 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.

4. The California Department of Transportation 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 monitoring requirements in Table 1 shall be conducted upstream out of the influence of the project, and 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written permission from Central Valley Water Board staff.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Settleable Material	mL/L	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Visible construction related pollutants ⁽³⁾	Observations	Visual Inspections	Continuous throughout the construction period	—
Temperature ⁽⁴⁾	°F (or as °C)	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
pH ⁽⁴⁾	Standard Units	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Dissolved Oxygen ⁽⁴⁾	mg/L & % saturation	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)

⁽¹⁾ Grab sample shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

⁽²⁾ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, method shall be approved by Central Valley Water Board staff.

⁽³⁾ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

⁽⁴⁾ Temperature, pH, and dissolved oxygen water quality monitoring is required due to the occurrence of state and federally listed species habitat within the project area.

A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, the California Department of Transportation shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the project complies with Certification requirements. The report shall include surface water sampling results and visual observations, laboratory reports, chain of custody records, and calculations of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity, settleable matter, temperature, pH, and dissolved oxygen limits are based on water quality objectives contained in the Basin Plan and required as part of this Certification.
6. Activities shall not cause turbidity increases in surface water to exceed:
 - (a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
 - (b) where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - (c) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - (d) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
 - (e) where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. 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 assessed by prior approval of the Central Valley Water Board staff.

7. Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the project.
8. Activities shall not cause temperature in surface waters to increase more than 5°F above natural receiving water temperature for waters with designated COLD or WARM beneficial uses.

9. Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water. Changes in normal ambient pH levels shall not exceed 0.5 in fresh waters with designated COLD or WARM beneficial uses.
10. Activities shall not cause dissolved oxygen to be reduced below 5.0 mg/L for waters designated with the WARM beneficial use, and 7.0 mg/L for waters designated with the COLD or SPWN beneficial uses, in surface water.
11. 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 300 feet downstream of the work area. The California Department of Transportation shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
12. The California Department of Transportation shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, temperature, pH, dissolved oxygen, or other water quality objectives are exceeded.
13. Activities shall not cause degradation of waters of the State.
14. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.
15. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the project area.
16. All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities.
17. All areas disturbed by project activities shall be protected from washout or erosion.
18. Hydroseeding shall be performed with California native seed mix.
19. In-water work will occur during periods of no flow and no precipitation.
20. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If some critical equipment must be refueled within 300 feet of the waterway, strict spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a water body. The California Department of Transportation must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

21. The California Department of Transportation shall maintain a copy of a project-specific Spill Prevention, Containment and Cleanup Plan on the project site, outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the project. The Spill Prevention, Containment, and Cleanup Plan should detail the project elements, construction equipment types and location, access and staging, construction sequence, and address the potential of responding to a spill or prevention of spills occurring within the project site.
22. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States or waters of the State.
23. Concrete shall completely be cured before coming into contact with waters of the United States and/or waters of the State. Waters of the United States and/or waters of the State that comes in contact with wet concrete shall be pumped out and disposed of at an appropriate off-site commercial facility which is authorized to accept concrete wastes.
24. All materials resulting from the project must be removed from the site and disposed of properly.
25. During construction, silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States and/or waters of the State.
26. During replacement of the bearing pads, a tarp or equivalent method must be used below the bearing pads to prevent debris from falling into the water body. After the bearing pad work is complete, the tarp and all bearing pad debris must be removed from the project site and disposed of properly.
27. If unanticipated discharges to the waters of the State and/or waters of the United States and/or soil occur, the California Department of Transportation shall notify the Central Valley Water Board Contact indicated in this Certification in writing within 5 calendar days of occurrence. Unanticipated discharges may include, but are not limited to, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances.
28. The California Department of Transportation shall obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

29. The Conditions in this Certification are based on the information in the attached "Project Information Sheet." If the information in the attached Project Information Sheet is modified or the project changes, this Certification is no longer valid until amended by the Central Valley Water Board.
30. The California Department of Transportation shall implement each of the mitigation measures specified in the approved Mitigated Negative Declaration for the project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and CEQA Guidelines, § 15097 of the California Code of Regulations.
31. 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 and federal law. 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.
- (a) If the California Department of Transportation or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
 - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the California Department of Transportation 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 the reports.
 - (c) The California Department of Transportation shall allow the staff(s) 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.
32. The California Department of Transportation shall provide a Notice of Completion (NOC) no later than 30 days after the project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project's description in the Certification and in any amendments approved. The NOC shall include a map of the project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.

ADDITIONAL STORM WATER QUALITY CONDITIONS:

The California Department of Transportation shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, the California Department of Transportation must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - (a) developing a the Storm Water Pollution Prevention Plan prior to any land disturbance or construction work;
 - (b) implementing appropriate erosion and sediment control Best Management Practices (BMPs) during all phases of land disturbance and construction work throughout the year; and
 - (c) ensuring that site BMPs are effective and result in the reduction or elimination of pollutants in storm water discharges from construction activity to Best Available Technology Economically Achievable/Best Conventional Pollutant Control Technology standard.
2. The California Department of Transportation must minimize the short and long-term impacts on receiving water quality from the Little Potato Slough Bearing Pad Replacement Project by implementing the following post-construction storm water management practices and as required by the local agency permitting the project, as appropriate:
 - (a) minimize the amount of impervious surface;
 - (b) reduce peak runoff flows;
 - (c) provide treatment BMPs to reduce pollutants in runoff;
 - (d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - (e) preserve and where feasible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones; and
 - (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges).

CENTRAL VALLEY WATER BOARD CONTACT:

Genevieve Sparks, Environmental Scientist
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114
gsparks@waterboards.ca.gov
(916) 464-4745

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the California Department of Transportation, Little Potato Slough Bearing Pad Replacement Project (WDID#5B39CR00209) 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 (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Certification, the California Department of Transportation's project description, and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011.


fw Pamela C. Creedon
Executive Officer

Enclosure: Project Information

cc: Distribution List, page 13

PROJECT INFORMATION SHEET

Application Date: 16 March 2012

Applicant: Mark McAvoy
California Department of Transportation
1976 Dr. Martin Luther King Jr. Boulevard
Stockton, CA 95201

Project Name: Little Potato Slough Bearing Pad Replacement Project

Application Number: WDID#5BCR3900209

Type of Project: Bridge Bearing Pad Replacement Project

Timeframe of Project Implementation: 1 May through 1 October

Project Location: Section 12, Township 3 North, Range 4 East, MDB&M.
Latitude: 38°6'54.89"N and Longitude: 121°29'52.71" W

County: San Joaquin County

Receiving Water(s) (hydrologic unit): Unnamed wetlands and other tributaries of the Little Potato Slough, San Joaquin Hydrologic Basin, San Joaquin Delta Hydrologic Unit #544.00

Water Body Type: Wetland, Riparian

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the Beneficial Uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

303(d) List of Water Quality Limited Segments: Little Potato Slough is the receiving water for the Little Potato Slough Bearing Pad Replacement Project. Little Potato Slough is not listed on the 303(d) list. The project does not impact an already impaired water body.

The most recent list of approved water quality limited segments can be found at:
http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

Project Description: The 0.9-acre Little Potato Slough Bearing Pad Replacement Project consists of replacing failed elastomeric bearing pads and joint seal assemblies at Little Potato Slough Bridge and W120/N5 Connector Over Head Bridge. Failed pads and assemblies were identified during recent bridge inspections.

Little Potato Slough Bridge is located in San Joaquin County at State Route 12 at Post Mile R 4.4 and State Route 120 at Post Mile R 0.8.

Project components include the following:

- (a) replacing failed elastomeric bearing pads between bents and joint seal assemblies at the Little Potato Slough Bridge and W120/N5 Connector Over Head Bridge;
- (b) clearing and grubbing at Little Potato Slough Bridge and W120/N5 Connector Over Head Bridge to access the work area;
- (c) replacing the 55-foot asphalt concrete bridge approach slabs at both ends of Little Potato Slough Bridge; and
- (d) constructing a temporary road to access the work area.

Permanent impacts will result from replacement of bridge components and vegetation removal below the bridge. At Little Potato Slough Bridge, all proposed work will be conducted from the top of the bridge deck and within the shoulder of the bridge ramp.

In-water construction will occur during periods of no flow and no precipitation. Construction staging areas will be located in upland areas and not in or adjacent to any water body and/or wetland feature.

The Little Potato Slough Bearing Pad Replacement Project will result in 0.09 acre of permanent impacts to the waters of the United States

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity, settleable matter, temperature, pH, and dissolved oxygen.

Proposed Mitigation to Address Concerns: The California Department of Transportation will implement Best Management Practices to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. The California Department of Transportation will conduct turbidity, settleable matter, temperature, pH, and dissolved oxygen testing during in-water work, stopping work if exceedance of Basin Plan criteria are exceeded or are observed.

Excavation/Fill Area: No material will be excavated or removed from the waters of the United States.

Approximately 17 cubic yards of clean soil, sand and gravel will be placed into 0.09 acre of waters of the United States.

Dredge Volume: None

United States Army Corps of Engineers File Number: Non-Reporting

United States Army Corps of Engineers Permit Type: Nationwide Permit# 14

California Department of Fish and Game Streambed Alteration Agreement: The Department of Fish and Game determined a Streambed Alteration Agreement was not required for this project on 7 July 2011.

Possible Listed Species: Delta smelt, Western pond turtle, Tricolored black bird, Burrowing owl, Swainson's hawk, California black rail, Giant garter snake

Status of CEQA Compliance: The California Department of Transportation approved the Mitigated Negative Declaration on 30 June 2011. The California Department of Transportation filed a Notice of Determination with the State Clearinghouse on 6 July 2011 (State Clearinghouse Number 2011052061).

As a Responsible Agency under California Environmental Quality Act, the Central Valley Water Board reviewed the Mitigated Negative Declaration and found that impacts to water quality were adequately addressed. Mitigation for impacts to water quality is discussed in the "Proposed Mitigation to Address Concerns" section above, and the "Compensatory Mitigation" section below.

With regard to the remaining impacts identified in the Mitigated Negative Declaration, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of another public agency, and not within the jurisdiction of the Central Valley Water Board.

Compensatory Mitigation: The Central Valley Water Board is not requesting compensatory mitigation for the Little Potato Slough Bearing Pad Replacement Project.

Application Fee Provided: Total fees of \$1,309.00 have been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

DISTRIBUTION LIST

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State Water Resources Control Board
401 Certification and Wetlands Unit Chief

(Electronic copy only) Jason A. Brush
Wetlands Office Supervisor (WTR-8)
United States Environmental Protection Agency

Nationwide Permit Information

Project Information

Caltrans District No: 10	Project Title: Little Potato Slough-Bearing Pad Replacement Project
County: San Joaquin	Project EA: 10-0G350
Route: 12	Post Miles: R4.4
Project Manager: Mark McAvoy	Phone No.: (209) 641-1996
Project Biologist/Contact: Todd Wong	Phone No.: (209) 942-6019
7.5-Minute Quadrangle Name: Terminous	Water body/Watershed: Wetland/WOUS
Latitude/Longitude: 38°6'51.44"N/121°29'44.232"W	

Nationwide Permit requested: #14 (Linear Transportation Projects)

Project Description:

This project is located in San Joaquin County on SR-12 at Post-mile (PM) R 4.4. The proposed scope of work, at the little Potato slough Bridge (BR. 29-0101, SJ-12-PM R 4.4) would replace the following:

- Spans 5 and 20- Replace the failed elastomeric bearing pads between bents 5 & 6 and 19 & 20.
- Spans 8 & 17- Replace the joint seal assemblies.
- Project scope would include the following tasks- Replacement of the failed elastomeric bearing pads at the little Potato Slough Bridge (Br. 29-0101, SJ-12-PM R 4.4).
- To access the Bearing Pad, the contractor would have to conduct some clearing and grubbing (at both locations) at Little Potato Slough Bridge (Br. 29-0101, SJ-12-PM R 4.4).
- Replace the bridge approach slabs at both ends of Little Potato Slough Bridge. The proposed replacement of the 55' of asphalt concrete, at both ends of the Little Potato Slough Bridge would require the contractor to conduct all of the proposed work on top of the bridge deck and within the shoulder, of the bridge ramp.

The potential PIA (Project Impact Area) for the project, including temporary construction impacts, would occur within the existing Caltrans right of way (ROW) between bent 5 and 6 (Location 1) below the Little Potato Slough Bridge (Br. 29-0101, SJ-12-PM R4.4). Temporary impacts will occur at location 1, when willows will be cut down to clear the ground for building temporary pads for false work to support the bridge. Temporary

impacts for this location would include disturbance to vegetation within ROW, access road and staging areas. See figure 2 in NES for aerial photograph of the project (Location 1).

The contractor would follow Caltrans Standard Best Management Practices (BMPs) for the duration of the project. Designated staging areas for equipment storage, vehicle parking, and other project related activities would occur within the anticipated PIA or on existing disturbed or paved areas and would be pre-approved by a Caltrans biologist.

Avoidance and minimization measures mentioned in Section 6 of this project would be implemented to avoid potential impacts to the natural resources and special-status species that may occur within the PIA.

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 with the implementation of all proposed avoidance and minimization measures. 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 failed elastomeric bearing pads and replace the joint seal assemblies at the Potato Slough Bridge. Temporary impacts will occur at location 1, when willows will be cut down to clear the ground for building temporary pads for false work to support the bridge. Temporary impacts for all three locations would include disturbance to vegetation within ROW, access roads and staging areas.

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 0.90 acres of temporary discharge/fill and 0.07 acres of permanent discharge/fill as a result of building temporary pads for false work to support the bridge. 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.

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. 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.
3. Spawning Areas: There are no spawning areas within the project area.
4. Migratory Bird Breeding Areas: There are no designated migratory bird breeding areas within or adjacent to the project study area.
5. Shellfish Beds: There are no areas of concentrated shellfish production within the project study area.
6. 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.
7. Water Supply Intakes: There will be no discharge of dredged or fill material in the proximity of a public water supply intake.
8. Adverse Effects from Impoundments: Impoundments will not be included in construction activities. Adverse effects will not result from impoundments.
9. 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.
10. Fills within 100-Year Floodplains: As defined in 23 CFR Section 650.105(q), the project does not constitute a significant floodplain encroachment.
11. 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.
12. Soil Erosion and Sedimentation Controls: Caltrans' standard erosion controls will be utilized to prevent soil erosion and prevent sedimentation.
13. 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.
14. Proper Maintenance: The maintenance of the roadway will be the responsibility of Caltrans.
15. Single and Complete Project: This project will be the only project covered under this permit.
16. Wild and Scenic Rivers: There are no wild and scenic rivers within the project area.

17. Tribal Rights: There are no tribal rights issues within the project area.
18. 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.
19. Migratory Bird and Bald and Golden Eagle Permits: Migratory birds, bald and golden eagles will not be impacted as a result of the project.
20. Historic Properties: There are no historic properties listed, or eligible for listing, in the National Register of Historic Places within the project area.
21. Discovery of Previously Unknown Remains and Artifacts: Caltrans will conduct the proper Federal, Tribal and state coordinator is unknown historic, cultural or archeological remains and artifacts are discovered within the project area.
22. Designated Critical Resource Waters: There are no designated critical resource waters within the project area.
23. 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 area.
24. Safety of Impoundment Structures: Impoundment structures are not part of this project.
25. Water Quality: A 401-certification package has been completed and will be submitted to the State Regional Water Quality Control Board.
26. Coastal Zone Management: Does not apply to this project.
27. 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.
28. Use of Multiple Nationwide Permits: Caltrans is only applying for a NWP # 14 for this project.
29. Transfer of Nationwide Permits: Does not apply to this project.
30. Compliance Certification: This project will have minimal impacts and will not require a NWP verification letter from the Corps.
31. 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.

Nationwide Permit Requested

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): 0.00

Waters of the U.S. (temporary): 0.09

Project Mitigation Information

No mitigation is being proposed.

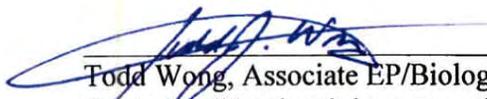
Avoidance and minimization Measures include:

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 (April - September) to avoid impacts to other WOUS through construction activities such as spills and rain water runoff.

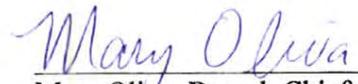
Prepared by:



Todd Wong, Associate EP/Biologist
Central California Biology Branch

6/28/12
Date:

Supervisory Concurrence:



Mary Oliya, Branch Chief
Northern San Joaquin Environmental Management Branch

6-28-12
Date:

Project Manager:



Mark McAvoy, Project Manager
Program Project Management

6/28/12
Date

Enclosures:

- 1. 401 Water Quality Certification Application**
- 2. Check for \$ 888.00 as Application Fees**
- 3. 404 Nationwide Permit Application (Non-reporting)**
- 4. 1600 Lake and Streambed Alteration Agreement Notification/Application**
- 5. Natural Environmental Study**
- 6. Consultation with Regulatory agencies**
- 7. Environmental Document / Initial Study with Mitigated Negative Declaration**
- 8. Notice of Determination**
- 9. Federal Categorical Exclusion**



United States Department of the Interior



FISH AND WILDLIFE SERVICE
San Francisco Bay-Delta Fish and Wildlife Office
650 Capitol Mall, Suite 8-300
Sacramento, California 95814

In Reply Refer to:
81420-2010-I-0786-1

MAY 23 2011

Mr. Zachary Parker
Branch Chief, Central Region Biology
California Department of Transportation, District 6
2015 East Shields Avenue, Suite A-100
Fresno, California 93726-5428

Subject: Determination that the Little Potato Slough Bearing Pad Replacement Project, San Joaquin County, California (California Department of Transportation EA 10-0G350, 10-SJ-12 and 120-N I-5-R4.4 and R0.8) may affect, but is not likely to adversely affect federally-listed species

Dear Mr. Parker:

This is the U.S. Fish and Wildlife Service's (Service) response to the California Department of Transportation's (Caltrans) request for consultation on the proposed Little Potato Slough Bearing Pad Replacement Project (project) in San Joaquin County, California. Your letter requesting initiation of formal consultation, dated February 28, 2011, was received in the Sacramento Fish and Wildlife office on March 2, 2011. At issue are the effects of this proposed project on the federally-threatened giant garter snake (*Thamnophis gigas*; GGS). This response was prepared in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The findings and recommendations of this letter are based on: (1) a site visit between Caltrans and Service staff in July 2009; (2) Caltrans' February 28, 2011, letter requesting formal consultation; (3) the accompanying February 2011, *Little Potato Slough – Bearing Pad Replacement Project Biological Assessment* (BA), prepared by Caltrans District 10; (4) electronic-mail (e-mail) and telephone correspondence between the Service and Caltrans in July 2009, June 2010, and February and May 2011; and (5) other information available to the Service.

Project Description

State Route (SR) 12 is a two-lane conventional, principal arterial highway which also serves as the major east-west corridor across California, specifically through the San Joaquin-Sacramento Delta region. Beginning west, it stretches from SR 116 in Sebastopol in Sonoma County to

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SR 49 in San Andreas in Calaveras County. The SR 120 connector serves to link SR 99 and I-5 from just south of Lathrop at its western end to Manteca at its eastern connection.

Caltrans proposes to restore the structural integrity of two bridges by replacing the failed elastomeric (i.e. steel or fiber reinforced) bearing pads at the hinges in spans 5 and 20, as well as the joint seal assemblies in spans 8 and 17 of the Little Potato Slough Bridge (BR 29-0101) on SR 12 (post-mile (PM) R4.4 to 5.2), and by replacing the bearing pads at the hinge in span 3 and the joint seal assembly at abutment 1 of the West SR 120/North Interstate-5 (I-5) Connector Overhead (BR 29-0291F) (PM 0.8). Caltrans also proposes to replace the bridge approach spans at both ends of the Little Potato Slough Bridge with an asphalt concrete (AC) overlay; no widening is proposed. Activity here will be restricted to the paved roadway. Construction activity will take place at three main locations at the bridge sites: Location 1 includes the work areas between bents 5 and 6 and between bents 8 and 9, in addition to the bridge approach span at the western end of the Potato Slough Bridge; Location 2 includes the work areas between bents 17 and 18 and between bents 20 and 21, as well as the bridge approach span at the eastern end of the Potato Slough Bridge; and Location 3 includes the work areas between bents 3 and 4 and at Abutment 1 of the SR 120/I-5 Connector Overhead. Several willow trees (*Salix* sp.) at Location 1 will require cutting in order to clear the ground for the construction of temporary pads for the installation of falsework. This will support the bridge while it is lifted up one to two inches so that the old bearing pads can be replaced. Falsework necessary for the replacement activities will be required at the three locations at both bridge sites.

Potential staging areas for equipment storage, vehicle parking, and other project-related activities will likely be located within Caltrans' right-of-way (ROW), and on existing disturbed or paved surfaces. The most likely area for activities associated with Location 1 will be set to the west of Little Potato Slough, located either at the eastern end of the access road near the levee where currently there is a paved round-about allowing for the turn-around of vehicles and big-rigs, or at the western end of the access road in the space between the road and bridge. The most likely staging area for Location 2 will be to the east of Little Potato Slough, located under the bridge structure and on the access road. Since Location 3 consists predominantly of compacted, disturbed, and gravel-based surfaces, no particular staging area has been singled out as a likely site. Staging areas will be pre-approved by a Service-approved biologist.

Given the types of construction activities involved, the use of fill material is not necessary. Nor will there be any utility relocation. Construction is expected to begin in the summer of 2012 and to continue for the short space of no more than one month. The joint seal assembly replacement portion of the work is anticipated to take several days.

Action Area

The action area is defined in 50 CFR § 402.02, as "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action." For the proposed project, the action area consists of the approximately 0.8 mile (mi) segment of the Potato Slough Bridge on SR 12 on which bearing pad, joint seal assembly, and bridge approach span replacements will occur; the short stretch of the W SR 120/N I-5 Connector Overhead

Bridge on which bearing pad and joint seal assembly replacement will also occur; the approximately 0.43 acres (ac) of combined wetland and non-wetland habitat at two locations within the Potato Slough Bridge site in which temporary effects due to clearing, grubbing, staging, access, and falsework construction will take place; and other disturbed ruderal land found within Caltrans' ROW under- and adjacent to both bridges in which staging, access, and work areas could be located.

Proposed Avoidance and Minimization Measures

According to the BA, Caltrans proposes to implement the following measures to minimize and avoid impacts specifically to the GGS, as well as to other sensitive biological resources and species.

General Construction Best Management Practices (BMPs):

1. Chemicals, lubricants, and petroleum products will be closely monitored and precautions used. If any spills occur, cleanup will take place immediately.
2. Any sensitive sites adjacent to construction activities within Caltrans' ROW will be designated as environmentally sensitive areas (ESA) to prevent accidental and indirect construction-related impacts. The wetland at Location 1 will be delineated as an ESA so as to minimize temporary effects to an approximately 0.1 ac portion of its area resulting from the assembly/breakdown of falsework.
3. The willow trees at Location 1, and any other shrubs and vegetation requiring clearing, will be removed prior to the nesting season of migratory birds.
4. Although there is no in-water or bankside work involved, the contractor will continue to at all times adhere to State Standard Specifications for avoidance of water pollution, since waterways do exist in the vicinity. Specifications include detailed measures for keeping heavy machinery out of the water.
5. Staging and refueling areas for equipment will occur at a minimum of 150 feet (ft) away from any active water channel, e.g. Little Potato Slough. If equipment must be washed, this will occur where the water cannot flow into the channel.
6. The contractor will conduct periodic maintenance of erosion and sediment control measures.
 - a. All such measures will be removed after the working area is stabilized or as directed by the Resident Engineer.
7. Soil exposure will be minimized through the use of BMPs, ground cover, and stabilization practices. Exposed dust-producing surfaces will be sprinkled daily until wet and will avoid producing runoff.

Giant Garter Snake:

1. A Service-approved biologist will conduct a pre-construction survey no more than 24 hours prior to the start of ground-breaking (i.e. site preparation and grading). If activities stop for a period of two or more weeks, a new survey will be completed no more than 24 hours prior to the reinitiation of construction.
2. An employee education program will be conducted by a Service-approved biologist for all construction personnel prior to the beginning of construction; the program will consist of a description of the GGS and its habitat needs, the status of the species and its protection under the Act, the conservation measures taken to reduce and avoid impacts to the species, what to do if a GGS is encountered during work, and the penalties for not complying with biological minimization requirements. Training will be repeated for all new personnel before they access the project site.
3. Clearing activities required to facilitate construction will be confined to the minimal area necessary within 200 ft of aquatic habitat.
4. Construction activities will take place during the GGS active period (approximately May 1 to October 1).
5. No plastic, monofilament, jute, or similar erosion control matting will be used that could entangle the GGS. Possible substitutions include coconut coir matting and tactified hydro-seed compounds.
6. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed at least once a day from the entire project site in order to reduce the potential for attracting scavengers and predator species.
7. All equipment and machinery will be checked for the presence of the GGS prior to the start of each work day to preclude their becoming trapped or stuck underneath the vehicles.
8. Habitat that is temporarily affected will be restored to pre-existing conditions within the same season once construction is complete.
9. If a live GGS is encountered during construction, the Service-approved biologist will be notified and will contact the Service and the California Department of Fish and Game (CDFG).
 - a. The Service-approved biologist will stop construction activity in the vicinity of the GGS, monitor the area, and allow the GGS to leave on its own. The biologist will stay in the area for the remainder of the workday to ensure the GGS is not harmed and that it leaves the site and does not return. If the GGS does not leave of its own accord within one working day, the Service and the CDFG will be further consulted.

- b. Only a Service-approved biologist with a valid take permit pursuant to Section 10(a)(1)(A) of the Act, will have the authority to capture and/or relocate any GGS encountered in the action area.
10. In the case of injured and/or dead GGS, the Service and the CDFG will be notified within one day and the animals will only be handled by a Service- and CDFG-approved, permitted biologist. Injured GGS will be cared for by a licensed veterinarian or other qualified person. In the case of a dead animal, the individual animal will be preserved, as appropriate, and held in a secure location until instructions are received from the Service regarding the disposition of the specimen or until the Service/CDFG takes custody of the specimen. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal.

Caltrans requested initiation of formal consultation for the project and made the determination that the project is likely to adversely affect the GGS. However, the Service has concluded that given the minor scope of the project, the proposed measures as described above are all designed to conserve and to protect the GGS, and are sufficient to reduce any direct, indirect, and/or cumulative effects to this species and to its habitat, to an insignificant or discountable level. This determination is provided specifically for this action area, and for the project description only as originally delineated here.

Determination

The Service has determined that the proposed project is unlikely to adversely affect the GGS. Project activities associated with bearing pad, joint seal assembly, and bridge approach span replacements will occur on and from under the bridge decks; these areas are included within the Caltrans ROW. According to the California Natural Diversity Database (CNDDDB, 2011)¹, there are four records of the GGS within the Bouldin Island and Terminous United States Geological Survey (USGS) 7.5-minute quadrangles which cover the northern part of the project's action area. The most recent observation from 2009 is located just over four and one half miles east from Locations 1 and 2 of the project site on SR 12. Two more records from 1974 and 1976 are situated between four and one half and five and one half miles to the east, and a fourth observation from 1996 is located approximately 6.3 miles south of the SR 12 bridge site. According to the CNDDDB, there are no GGS observations within the Lathrop USGS 7.5-minute quadrangle, which covers the southern portion of the project's action area at the SR 120/I-5 Connector Overhead (Location 3). Caltrans biologists also conducted non-protocol level surveys for the GGS in June 2008. Habitat assessments for the GGS were carried out using standard guidelines outlined in the Service's 1998 Draft Recovery Plan for the GGS.

Although there is some potential suitable upland habitat for the GGS on-site at Locations 1 and 2, the small-scale nature of the bearing pad, joint, and bridge approach span replacement activities will lead to minimal impacts to the species and its habitat; activities will not

¹ California Department of Fish and Game, Natural Diversity Data Base. Accessed May 9, 2011. Unpublished cumulative data. Biogeographic Data Branch. RareFind 4 - Government Version.

permanently affect this habitat in any way. Temporary effects to a total of 0.43 ac, encompassing a small portion (< 0.1 ac) of jurisdictional wetland and other non-wetland habitat at Location 1, will result from the cutting of several willow trees to clear the ground for the building of temporary pads necessary for falsework construction to support the Little Potato Slough Bridge. However, Caltrans proposes to replant willows at a 3:1 ratio to compensate for their removal. Other temporary effects at Location 2 will include disturbance to vegetation within the ROW and to areas used for staging and access. No in-water or bankside activities are proposed. Therefore, Little Potato Slough, which is located adjacent to Locations 1 and 2 will not be affected by project activities, nor will any other drainages; thus, no effects to potential GGS aquatic habitat will occur.

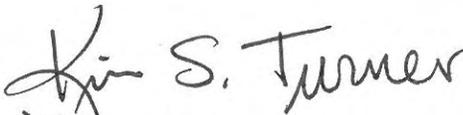
Given the scope of work and the existing habitat conditions, along with the implementation of the proposed avoidance and minimization measures, potential adverse effects to the GGS are expected to be reduced to an insignificant and discountable level. After reviewing the 2011 BA and other information sources, and discussing project aspects with Caltrans, the Service has made the determination that the proposed project may affect, but is not likely to adversely affect the GGS.

Reinitiation – Closing Statement

This concludes the Service's review of the proposed Little Potato Slough Bearing Pad Replacement Project and its consideration of the project's effects to the species. No further coordination with the Service under the Act is necessary at this time. Please note, however, that this letter does not authorize take of listed species. As provided in 50 CFR § 402.14, initiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if (1) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or an extent not considered in this letter, (2) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this letter, or (3) a new species is listed or critical habitat designated that may be affected by the action.

Please contact Jen Schofield or Thomas Leeman, San Joaquin Valley Branch Chief of the Sacramento Fish and Wildlife Office, at (916) 414-6600 if you have any questions regarding this letter.

Sincerely,


Acting for Jennifer Norris
Acting Field Supervisor

cc:

Ms. Andrea Boertin, CDFG, Stockton, California