

# **INFORMATION HANDOUT**

**For Contract No. 03-4M6104**

**At 03-Nev-80-R9.0, 28.1**

**Identified by**

**Project ID 0312000186**

## **PERMITS**

California Department of Fish and Wildlife

United States Army Corps of Engineers

Non-Reporting Nationwide 404

## **WATER QUALITY**

California Regional Water Quality Control Board

Lahontan Region

Board Order No. R6T-2014-0011

## **RAILROAD RELATIONS**

Railroad Relations and Insurance Requirements



DEPARTMENT OF FISH AND WILDLIFE

CHARLTON H. BONHAM, Director



North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670-4599  
916-358-2900  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

FEB 07 2014

Date

Ron Sykes  
California Department of Transportation  
703 B Street  
Marysville, CA 95901

Subject: Final Lake or Streambed Alteration Agreement  
Notification No. 1600-2013-0287 -R2  
I-80 Truckee River Bridge

Dear Mr. Sykes:

Enclosed is the final Streambed Alteration Agreement (Agreement) for the I-80 Truckee River Bridge (Project). Before the Department of Fish and Wildlife (Department) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, the Department, acting as a responsible agency, filed a notice of determination (NOD) on the same date it signed the Agreement. The NOD was based on information contained in the Negative Declaration the lead agency prepared for the Project.

Under CEQA, filing a NOD starts a 30-day period within which a party may challenge the filing agency's approval of the project. You may begin your project before the 30-day period expires if you have obtained all necessary local, state, and federal permits or other authorizations. However, if you elect to do so, it will be at your own risk.

If you have any questions regarding this matter, please contact Tim Nosal, Environmental Scientist at (916) 358-2853 or [tim.nosal@wildlife.ca.gov](mailto:tim.nosal@wildlife.ca.gov).

Sincerely,

Tina Bartlett  
Regional Manager

cc: Tim Nosal, Environmental Scientist  
[Tim.Nosal@wildlife.ca.gov](mailto:Tim.Nosal@wildlife.ca.gov)

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
NORTH CENTRAL REGION  
1701 NIMBUS ROAD, SUITE A  
RANCHO CORDOVA, CA 95670



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION NO. 1600-2013-0287-R2  
Truckee River

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
I-80 TRUCKEE RIVER BRIDGE PROJECT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (DFW) and California Department of Transportation (Caltrans) (Permittee) as represented by Ron Sykes, Project Manager.

## **RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified DFW on December 16, 2013 that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, DFW 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 the I-80 bridge (post mile 28.0) over the Truckee River, in the County of Nevada, State of California; Latitude 39.4017 Longitude - 120.0217, U.S. Geological Survey (USGS) map Boca (Attachment A: Project Maps).

## **PROJECT DESCRIPTION**

The purpose of the project is to repair bridge support structure by repairing bent caps, replacing seismic shear blocks, and replacing seismic restrainer cables on

the Truckee River Bridge right side only, which is the I-80 eastbound direction. Water intrusion into the fractured concrete on the bridge deck is causing the bridge bents to spall and fracture. This deteriorated condition is a serious threat to the structural integrity of the bridge. Repair of the bent caps and replacement of the seismic elements are needed to prevent further.

The project involves bridge bent cap repair, grinding, temporary construction easements, and work within the streambed. A temporary support structure will be erected in the streambed and installation of the structure will require diverting the river around pier 3. The method of dewatering has not been determined, though a possibility would be to construct a temporary diversion structure using K-rail, visqueen plastic, and river rock between the east river bank extending out around pier 3. There will be no riparian tree and shrub removal necessary and to ensure that the riparian areas adjacent the project will not be impacted, they will be designated Environmentally Sensitive Areas (ESAs) and be fenced off with ESA-Type fence. The action area will be restored to pre-project conditions. The work area will be accessed from existing dirt roads to the west and the east of the bridge.

All figures and minimization measures included in the Notification of Streambed Alteration No. 1600-2013-0287-R2 shall be implemented.

## **PROJECT IMPACTS**

Existing fish or wildlife resources the project could substantially adversely affect include: riparian vegetation, nesting raptors, cliff swallows and other migratory birds, amphibians, reptiles, other aquatic and terrestrial plant and wildlife species, Lahontan cutthroat trout and other cold water fish species.

The adverse effects the project could have on the fish or wildlife resources identified above include: temporary diversion of flow water from, or around, activity site; short-term increased turbidity; increased sedimentation from adjacent construction; short-term release of sediment (e.g. incidental from construction); loss or decline of riparian and wetland habitat; disturbance from project activity; direct take of terrestrial species and of non-fish aquatic species; loss of natural bed or bank; change in contour of bed, channel or bank; soil compaction or other disturbance; decline of vegetative diversity; disruption to nesting birds and other wildlife; loss or impediment of terrestrial animal species travel routes due to temporary structures such as survey tape, sandbags, erosion protection materials etc.; dewatering; flow deflection; change in fluvial geomorphology; and direct (seasonal) loss of resources for aquatic organisms.

## **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 DFW 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 DFW 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, DFW shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that DFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Does Not Authorize "Take." This Agreement does not authorize "take" of any listed species. Take is defined as hunt, pursue, catch, capture or kill or attempt to hunt, pursue, catch, capture, or kill. If there is potential for take of any listed species to occur, the Permittee shall consult with DFW as outlined in FGC Section 2081 and shall obtain the required state and federal threatened and endangered species permits.
- 1.6 Notification of Project Modification. Permittee agrees to notify DFW of any modifications made to the project plans submitted to DFW.

## **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 CEQA Compliance. Permittee shall implement and adhere to the avoidance and minimization measures in the Biological Resources section of the Negative Declaration (SCH Number: 2013082069) adopted by the lead agency, Caltrans, for the Project pursuant to the California Environmental Quality Act (CEQA) on July 25, 2013 unless those mitigation measures are less protective of fish and wildlife or conflict with the conditions of this Agreement.

- 2.2 Work Period. The time period for completing the work within the active channel shall be restricted to periods of low stream flow and dry weather and shall be confined to the period of August 1 to October 15. Construction activities shall be timed with awareness of precipitation forecasts and likely increases in stream flow. Construction activities within the project area shall cease until all reasonable erosion control measures, inside and outside of the project area, have been implemented prior to all storm events. Revegetation, restoration and erosion control work is not confined to this time period.
- 2.3 Work Period Modification. If Permittee needs more time to complete the project activity, the work may be permitted outside of the work period and extended on a day-to-day basis (or for some other set period of time) by DFW representative who reviewed the project, or if unavailable, through contact with the Regional office. Permittee shall submit a written request for a work period variance to DFW. The work period variance request shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; and 4) provide photographs of both the current work completed and the proposed site for continued work. The work period variance request should consider the effects of increased stream flows and rain delays. Work period variances are issued at the discretion of DFW. DFW will review the written request to work outside of the established work period. DFW reserves the right to require additional measures to protect fish and wildlife resources as a condition for granting the variance. DFW will have ten (10) calendar days to review the proposed work period variance.
- 2.4 Work Period in Dry Weather Only. Work within the Truckee River shall be restricted to periods of low stream flow and dry weather. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation. Construction activities halted due to precipitation may resume when precipitation ceases and the National Weather Service 72 hour weather forecast indicates a 20% or less chance of precipitation, provided no work occurs in the stream bed if water is flowing. If a construction phase may cause the introduction of sediments into the stream: 1) no phase of the project shall be started in May or November of any year, unless all work for that phase and all associated erosion control measures are completed prior to the onset of precipitation; and 2) no phase of the project shall commence unless all equipment and materials are removed from the channel at least 12 hours prior to the onset of precipitation and all associated erosion control measures are in place prior to the onset of precipitation. No work shall occur during a dry-out period of 24 hours after

the above referenced wet weather. Weather forecasts shall be documented upon request by DFW.

- 2.5 Stream Diversions / Dewatering. If work in the flowing portion of the stream is unavoidable, the entire stream flow shall be diverted around or through the work area during the excavation and/or construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code section 5937. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. DFW will review the proposed water diversion method, to approve the plan or provide the requirements for that approval. The Permittee may not commence the diversion of water without the explicit approval from DFW.
- 2.6 Lahontan Cutthroat Trout. The project may affect but is not likely to adversely affect the Lahontan cutthroat trout (LCT - Federal Threatened). The following measures will be implemented in order to avoid impacts to this species:
- The area of temporary impacts to the bed of the Truckee River will be limited to approximately 0.01 ha (0.03 ac).
  - The temporary diversion structure will be designed to avoid impeding the movement of fish around the work area.
  - Dewatering of the in-stream work area will be done slowly in order to prevent mortality to LCT and other aquatic species.
- 2.7 Bird Nests. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird except as otherwise provided by the Fish and Game Code. No trees that contain active nests of birds shall be disturbed until all eggs have hatched and young birds have fledged without prior consultation and approval of a DFW representative.
- 2.8 Cliff Swallow Nesting Considerations. Construction shall either occur outside of the cliff swallow nesting period (March 15 through August 31), or the suitable bridge nesting habitat shall be outfitted with appropriate exclusion devices ( i.e. plastic sheeting, netting, etc.) by the Permittee before initiation of the breeding season to prevent nesting. The exclusion device shall remain in place until August 1 or until construction activities at the site are complete. The exclusion device shall be anchored such that swallows cannot attach their nests to the structure through gaps in the device. If swallows begin building nests on the structure after exclusion

device installation, the mud placed by the swallows shall be removed and the integrity of the exclusion device repaired.

Alternatively, unoccupied nests that are under construction can be knocked down daily with a pole/scrapper. Nest removal shall continue as long as swallows continue to attempt to build nests.

- 2.9 Removal of Trees/Shrubs During Fall/Winter Months. To avoid potential impact to tree nesting birds, trees and shrubs designated for removal may be cut down during the time period of November 1 to February 15. Tree and shrub removal may commence provided that that no birds are nesting, or using the site as a rookery at the time of removal.
- 2.10 Vegetation Removal. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. Except for the trees specifically identified for removal in the notification, no native trees with a trunk diameter at breast height (DBH) in excess of four (4) inches shall be removed or damaged without prior consultation and approval of a DFW representative. Using hand tools (clippers, chain saw, etc.), trees may be trimmed to the extent necessary to gain access to the work sites. All cleared material/vegetation shall be removed out of the riparian/stream zone.
- 2.11 Sediment Control. Precautions to minimize turbidity/siltation shall be taken into account during project planning and implementation. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches. Materials composing the silt barrier shall not pose an entanglement risk to fish or wildlife such as monofilament mesh and non-biodegradable synthetic erosion blankets. Passage of sediment beyond the sediment barrier(s) is prohibited. If any sediment barrier fails to retain sediment, corrective measures shall be taken. The sediment barrier(s) shall be maintained in good operating condition throughout the construction period and the following rainy season. Maintenance includes, but is not limited to, removal of accumulated silt and/or replacement of damaged siltation barriers. The Permittee is responsible for the removal of non-biodegradable silt barriers (such as plastic silt fencing) after the disturbed areas have been stabilized with erosion control vegetation (usually after the first growing season). Upon DFW determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective DFW approved control devices are installed or abatement procedures are initiated.

- 2.12 Seeding Requirement. Permittee shall restore all exposed/disturbed areas and access points within the work area, by seeding with a locally native seed mix, unless otherwise agreed upon by DFW. Seed mix shall be pre-approved by DFW. Revegetation shall be completed as soon as possible after construction activities in those areas cease. Seeding shall be broadcast straw, jute netting coconut fiber blanket or similar erosion control material.
- 2.13 Pollution Control. Utilize Best Management Practices (BMPs) to prevent spills and leaks into water bodies. If maintenance or refueling of vehicles or equipment must occur on-site, use a designated area and/or a secondary containment, located away from drainage courses to prevent the runoff of storm water and the runoff of spills. Ensure that all vehicles and equipment are in good working order (no leaks). Place drip pans or absorbent materials under vehicles and equipment when not in use. Ensure that all construction areas have proper spill clean up materials (absorbent pads, sealed containers, booms, etc.) to contain the movement of any spilled substances. Any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. Any of these materials, placed within or where they may enter a stream or lake by the Applicant or any party working under contract or with the permission of the Permittee, shall be removed immediately. DFW shall be notified immediately by the Permittee of any spills and shall be consulted regarding clean-up procedures.

### **3. Compensatory Measures**

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

- 3.1 Habitat Restoration. All temporarily impacted areas and access points within the project area shall be restored to their original condition. Seeded areas shall be covered with broadcast straw and/or a biodegradable erosion control blankets such as jute. Erosion control materials not noted here shall be submitted to DFW for approval prior to use.

### **4. Reporting Measures**

Permittee shall meet each reporting requirement described below.

- 4.1 The Permittee shall notify DFW within two working days of beginning work within the stream zone. Notification shall be submitted as instructed in Contact Information section below. Email notification is preferred.

Upon completion of the project activities described in this agreement, the project area shall be digitally photographed. Photographs shall be submitted to DFW within fifteen (15) days of project completion. Photographs and notification of project completion shall be submitted as instructed in Contact Information section below. Email submittal is preferred.

## **CONTACT INFORMATION**

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

### To Permittee:

Ron Sykes  
California Department of Transportation  
703 B Street  
Marysville, CA 95901  
Email – ron.sykes@dot.ca.gov

### To DFW:

Department of Fish and Wildlife  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
Attn: Lake and Streambed Alteration Program – Tim Nosal  
Notification #1600-2013-0287 R2

Fax: 916-358-2912  
Email: r2lsa@wildlife.ca.gov

## **LIABILITY**

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

This Agreement does not constitute DFW'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**

DFW 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 DFW 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 DFW 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 DFW to issue the notice.

## **ENFORCEMENT**

Nothing in the Agreement precludes DFW 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 DFW'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**

DFW may amend the Agreement at any time during its term if DFW 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 DFW and Permittee. To request an amendment, Permittee shall submit to DFW a completed DFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in DFW'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 DFW 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 DFW a completed DFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in DFW'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 DFW a completed DFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in DFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). DFW 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 DFW's signature, which shall be: 1) after Permittee's signature; 2) after DFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3)

after payment of the applicable FGC section 711.4 filing fee listed at [http://www.wildlife.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html).

## **TERM**

This Agreement shall expire within five (5) years of DFW's signature, 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.

## **EXHIBIT**

The document listed below is included as an exhibit to the Agreement.

Attachment A: Project Maps

**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.

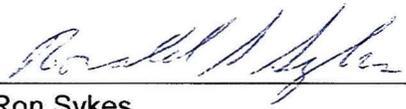
**AUTHORIZATION**

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 DFW in accordance with FGC section 1602.

**CONCURRENCE**

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

**FOR CALTRANS**

  
\_\_\_\_\_  
Ron Sykes  
Project Manager

1-27-14  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

*for*   
\_\_\_\_\_  
Tina Bartlett  
Regional Manager

2/7/14  
\_\_\_\_\_  
Date

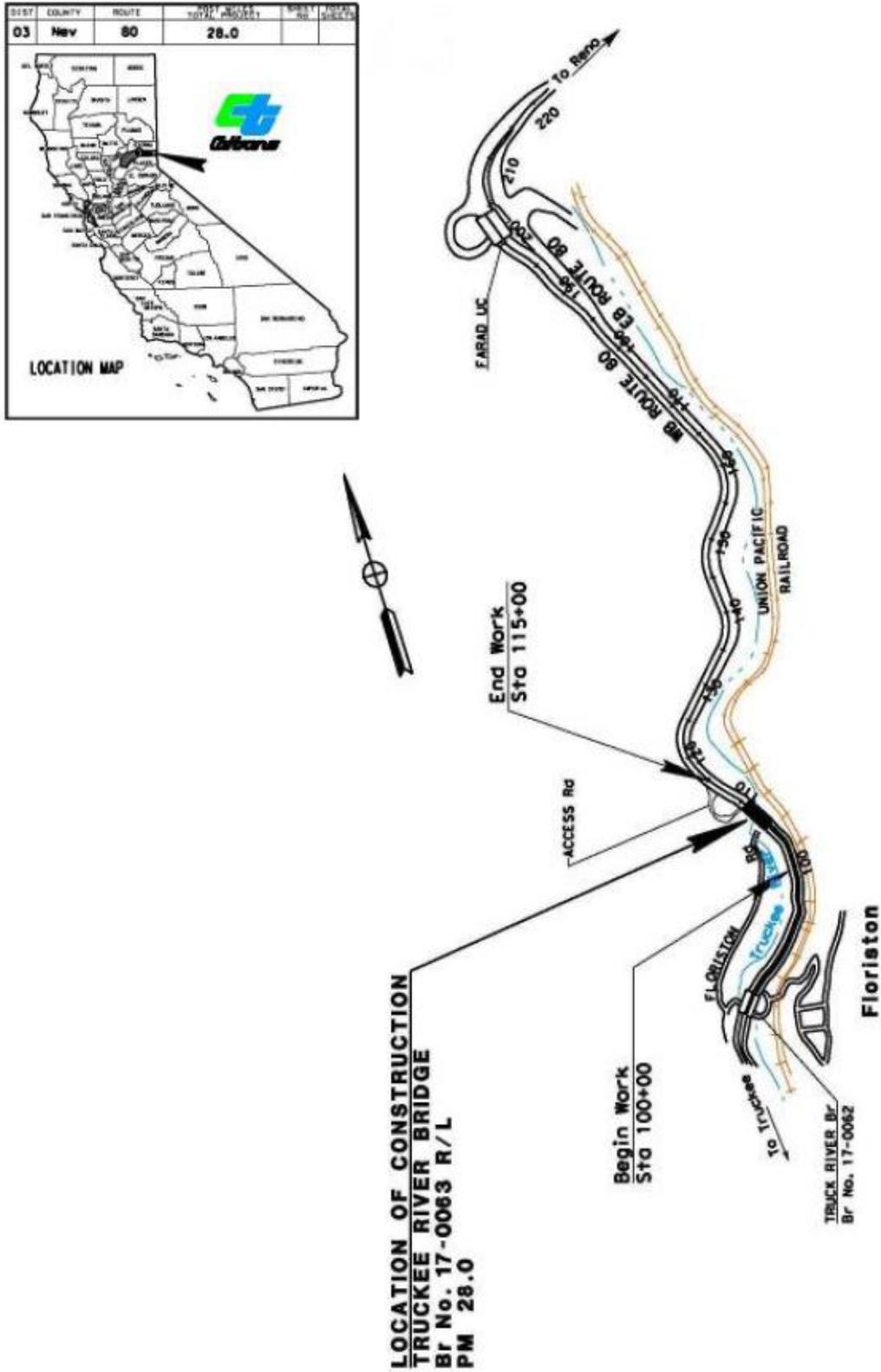
Prepared by: Tim Nosal  
Environmental Scientist

**Attachment A:**  
Project Maps

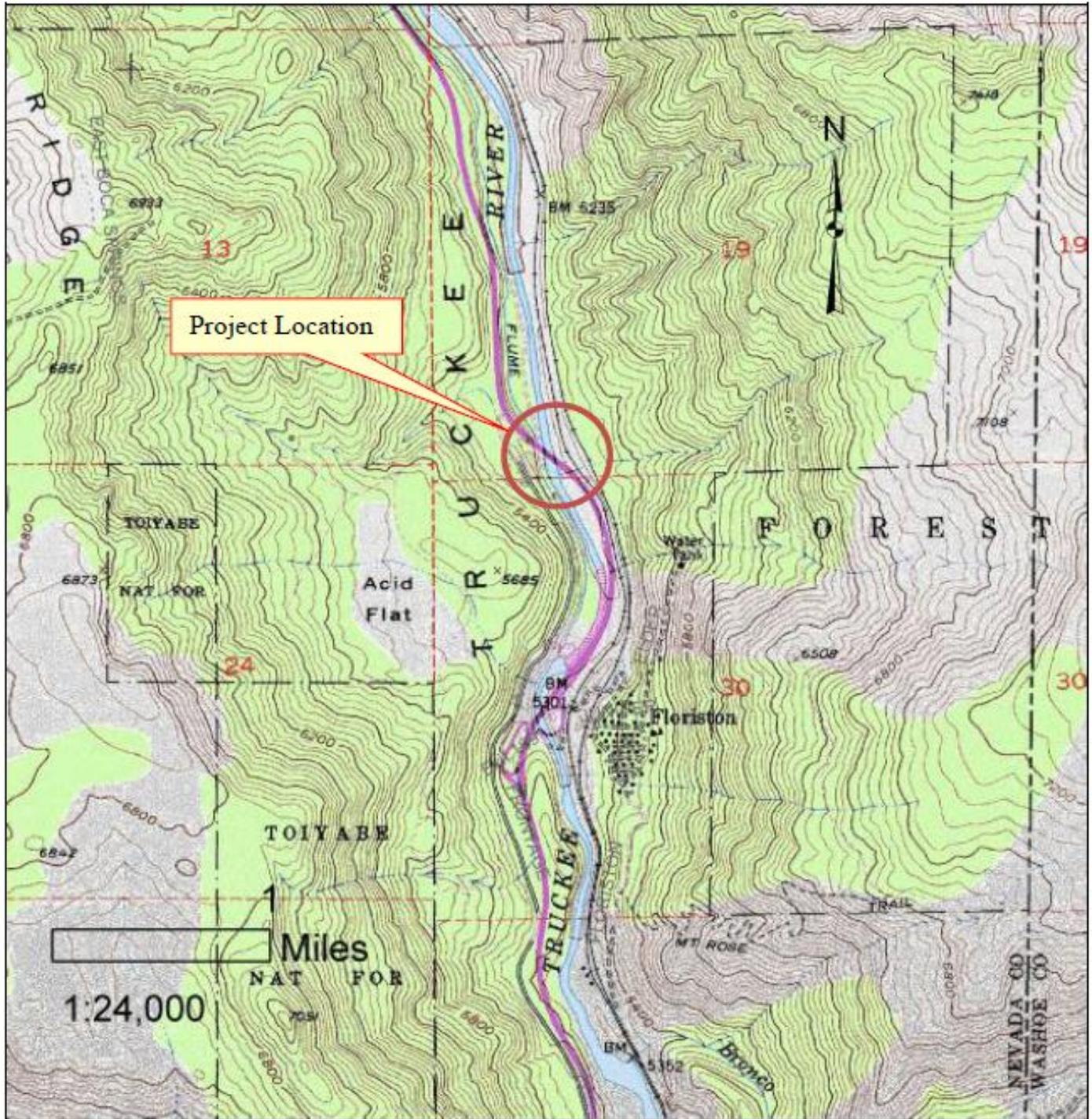
Caltrans: I-80 Truckee River Bridge Project  
Nevada County

LSA#1600-2013-0287-R2

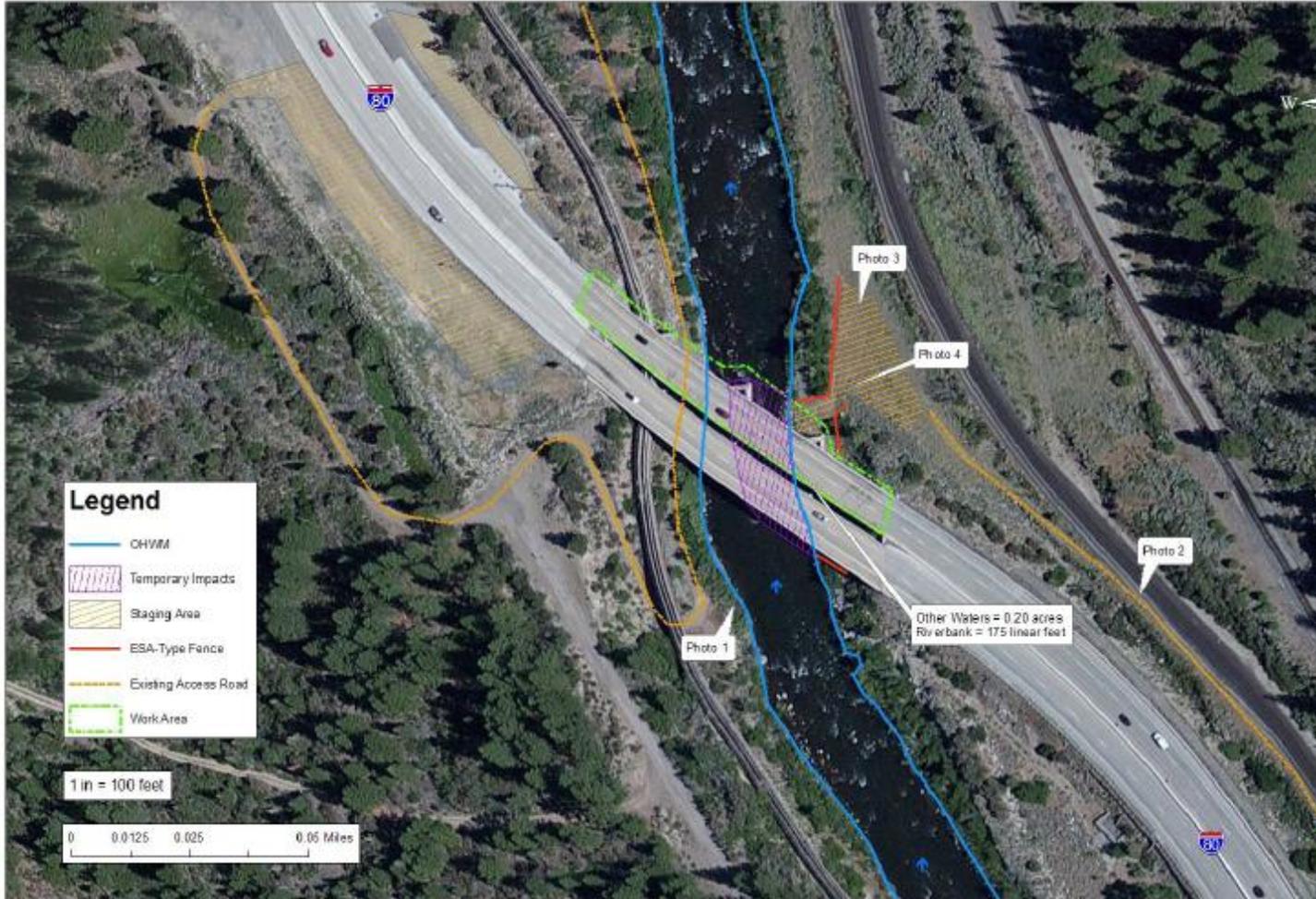
Figure 1: Project Location Map



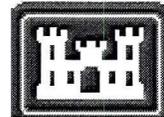
# 9. Appendix A: Project Topographic Map & Layout Sheets



Project is located in the Boca USGS 7.5-minute Quadrangle



# U. S. Army Corps of Engineers South Pacific Division



## Nationwide Permit Pre-Construction Notification (PCN) Form

This form integrates requirements of the U. S. Army Corps of Engineers Nationwide Permit Program within the South Pacific Division (SPD), including General and Regional Conditions. You MUST fill out all boxes related to the work being done. Fillable boxes in this form expand if additional space is needed.

|  |  |  |                            |
|--|--|--|----------------------------|
| <b>Box 1 Project Name</b><br>Truckee River Bridge Repair Project (NEV-80-PM 28.0)  |  |  |                            |
| <b>Applicant Name</b><br>Ron Sykes   |  | <b>Applicant Title</b><br>Project Manager  |                            |
| <b>Applicant Company, Agency, etc.</b><br>California Department of Transportation  |  | <b>Applicant's internal tracking number</b> (if any)<br>EA 03-4M610; EFIS 0312000186 |                            |
| <b>Mailing Address</b><br>703 B Street, Marysville CA 95901  |  |  |                            |
| Work Phone with area code<br>(530)741-4319   | Mobile Phone with area code  | Home Phone with area code  | Fax # with area code       |
| E-mail Address<br>Ron.Sykes@dot.ca.gov   | Relationship of applicant to property:<br><input checked="" type="checkbox"/> Owner <input type="checkbox"/> Purchaser <input type="checkbox"/> Lessee <input type="checkbox"/> Other: |  |                            |
| Application is hereby made for verification that subject regulated activities associated with subject project qualify for authorization under a U.S. Army Corps of Engineers Nationwide Permit or Permits as described herein. I certify that I am familiar with the information contained in this application and, that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agency to which this application is made the right to enter the above-described location to inspect the proposed, in-progress, or completed work. I agree to start work <u>only</u> after all necessary permits have been received and to comply with all terms and conditions of the authorization. |  |  |                            |
| <b>Signature of applicant</b><br><i>Ronald S Sykes</i>   |  |  | Date (m/d/yyyy)<br>12-5-13 |

If anyone other than the person named as the Applicant will be in contact with the U. S. Army Corps of Engineers representing the Applicant regarding this project during the permit process, Box 2 MUST be filled out.

|   |                             |   |                              |
|---|-----------------------------|---|------------------------------|
| <b>Box 2 Authorized Agent/Operator Name</b><br>Cassandra Evenson  |                             | <b>Agent/Operator Title</b><br>District Biologist |                              |
| <b>Agent/Operator Company, Agency, etc.</b><br>California Department of Transportation  |                             | E-mail Address<br>Cassandra.Evenson@dot.ca.gov    |                              |
| Mailing Address<br>703 B Street, Marysville CA 95901  |                             |   |                              |
| Work Phone with area code<br>(530)740-4906  | Mobile Phone with area code | Home Phone with area code                         | Fax # with area code         |
| I hereby authorize the above named authorized agent to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application. I understand that I am bound by the actions of my agent and I understand that if a federal or state permit is issued, I, or my agent, must sign the permit. |                             |   |                              |
| <b>Signature of applicant</b><br><i>Ronald S Sykes</i>  |                             |   | Date (m/d/yyyy)<br>12-5-13   |
| I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate.   |                             |   |                              |
| <b>Signature of authorized agent</b><br><i>Cassandra Evenson</i>  |                             |   | Date (m/d/yyyy)<br>12/5/2013 |



**Box 6 Reason(s) for discharge into Waters of the United States** (Description of why dredged and/or fill material needs to be placed in Waters of the United States):

Placement of fill is necessary to install the bridge support structure around pier 3 and perform the needed repairs on the bridge. There are no upland alternatives.

**Proposed discharge of dredge and/or fill material.** Indicate total surface area in **acres** and **linear feet** (where appropriate) of the proposed impacts to Waters of the United States, indicate water body type (tidal wetland, non-tidal wetland, riparian wetland, ephemeral stream/river, intermittent stream/river, perennial stream/river, pond/lake, vegetated shallows, bay/harbor, lagoon, ocean, etc.), and identify the impact(s) as permanent and/or temporary for each requested Nationwide Permit<sup>1</sup>:

<sup>1</sup>Enter the intended permit number(s). See Nationwide Permit regulations for permit numbers and qualification information: <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx>

| Water Body Type | Requested NWP Number: 3 |        |             |               | Requested NWP Number: |        |           |        | Requested NWP Number: |        |           |        |
|-----------------|-------------------------|--------|-------------|---------------|-----------------------|--------|-----------|--------|-----------------------|--------|-----------|--------|
|                 | Permanent               |        | Temporary   |               | Permanent             |        | Temporary |        | Permanent             |        | Temporary |        |
|                 | Area                    | Length | Area        | Length        | Area                  | Length | Area      | Length | Area                  | Length | Area      | Length |
| Perennial river |                         |        | 0.05        | 175 lf        |                       |        |           |        |                       |        |           |        |
|                 |                         |        |             |               |                       |        |           |        |                       |        |           |        |
|                 |                         |        |             |               |                       |        |           |        |                       |        |           |        |
|                 |                         |        |             |               |                       |        |           |        |                       |        |           |        |
| <b>Total:</b>   |                         |        | <b>0.05</b> | <b>175 lf</b> |                       |        |           |        |                       |        |           |        |

Total volume (in cubic yards) and type(s) of material proposed to be dredged from or discharged into Waters of the United States:

| Material Type               | Total Volume Dredged | Total Volume Discharged |
|-----------------------------|----------------------|-------------------------|
| Rock Slope Protection (RSP) |                      |                         |
| Clean spawning gravel       |                      |                         |
| River rock                  |                      | 400 cy                  |
| Soil/Dirt/Silt/Sand/Mud     |                      |                         |
| Concrete                    |                      | 200 cy                  |
| Structure                   |                      |                         |
| Stumps/Root wads            |                      |                         |
| Other:                      |                      |                         |
| <b>Total:</b>               |                      | <b>600 cy</b>           |

Activity requires a written waiver to exceed specified limits of the Nationwide Permit?  YES  NO  
 If yes, provide Nationwide Permit number and name, limit to be exceeded, and rationale for each requested waiver:

Activity will result in the loss of greater than 1/2-acre of Waters of the United States?  YES  NO  
 If yes, provide an electronic copy (compact disc) or multiple hard copies (7) of the complete PCN for appropriate Federal and State Pre-discharge Notification (See General Condition #31, Pre-construction Notification, Agency Coordination, Section 2 and 4):

Describe direct and indirect effects caused by the activity and how the activity has been designed (or modified) to have minimal adverse effects on the aquatic environment (See General Condition #31, Pre-construction Notification, District Engineer's Decision, Section 1):

Dewatering will have temporary affects on flow of river and to aquatic species. Constructing temporary support structure around pier 3 will have temporary impacts to river substrate. To minimize adverse effects the design of temporary diversion structure will not impede movement of fish around work area, dewatering will be conducted slowly to prevent mortality of trout and other aquatic species, and seasonal low-flow work window will be established.

Potential cumulative impacts of proposed activity (if any): none

Required drawings and figures (see each U. S. Army Corps of Engineers District's Minimum Standards Guidance):

Vicinity map:  Attached (or mail copy separately if applying electronically)

To-scale Plan view drawing(s):  Attached (or mail copy separately if applying electronically)

To-scale elevation and/or Cross Section Drawings(s):  Attached (or mail copy separately if applying electronically)

Numbered and dated pre-project color photographs:  Attached (or mail copy separately if applying electronically)

Sketch drawing(s) or map(s):  Attached (or mail copy separately if applying electronically)

Has a wetland/waters of the U.S. delineation been completed?

Yes, Attached<sup>2</sup> (or mail copy separately if applying electronically)  No

If a delineation has been completed, has it been verified in writing by the Corps?

Yes, Date of approved jurisdictional determination (m/d/yyyy): \_\_\_\_\_ Corps file number: \_\_\_\_\_  No

<sup>2</sup>If available, provide ESRI shapefiles (NAD83) for delineated waters

For proposed discharges of dredged material resulting from navigation dredging into inland or near-shore waters of the U.S. (including beach nourishment), please attach<sup>3</sup> a proposed Sampling and Analysis Plan (SAP) prepared according to Inland Testing Manual (ITM) guidelines (including Tier I information, if available), or if disposed offshore, a proposed SAP prepared according to the Ocean Disposal Manual.

<sup>3</sup>Or mail copy separately if applying electronically

Is any portion of the work already complete?  YES  NO

If yes, describe the work:

### Box 7 Authority

Is Section 10 of the Rivers and Harbors Act applicable?:  YES  NO

Is Section 404 of the Clean Water Act applicable?:  YES  NO

Is the project located in U. S. Army Corps of Engineers property or easement?:  YES  NO

If yes, has Section 408 process been initiated?:  YES  NO

Would the project affect a U. S. Army Corps of Engineers structure?:  YES  NO

If yes, has Section 408 process been initiated?:  YES  NO

Is the project located on other Federal Lands (USFS, BLM, etc.)?:  YES  NO

Is the project located on Tribal Lands?:  YES  NO

**Box 8** Is the discharge of fill or dredged material for which Section 10/404 authorization is sought part of a larger plan of development?:  YES  NO

If discharge of fill or dredged material is part of development, name and proposed schedule for that larger development (start-up, duration, and completion dates):

Location of larger development (if discharge of fill or dredged material is part of a plan of development, a map of suitable quality and detail of the entire project site should be included):

**Box 9 Measures taken to avoid and minimize impacts to waters of the United States:**

Best Management Practices for erosion control will be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.

**Box 10 Proposed Compensatory Mitigation** related to fill/excavation and dredge activities. Indicate in **acres** and **linear feet** (where appropriate) the total quantity of Waters of the United States proposed to be created, restored, enhanced and/or preserved for purposes of providing compensatory mitigation. Indicate water body type (tidal wetland, non-tidal wetland, riparian wetland, ephemeral stream/river, intermittent stream/river, perennial stream/river, pond/lake, vegetated shallows, bay/harbor, lagoon, ocean, etc.) or non-jurisdictional (uplands<sup>1</sup>). Indicate mitigation type (permittee-responsible on-site/off-site, mitigation bank, or in-lieu fee program). If the mitigation is purchase of credits from a mitigation bank, indicate the bank to be used, if known:

<sup>1</sup> For uplands, please indicate if designed as an upland buffer.

| Site Number | Water Body Type | Created |        | Restored |        | Enhanced |        | Preserved |        | Mitigation Type |
|-------------|-----------------|---------|--------|----------|--------|----------|--------|-----------|--------|-----------------|
|             |                 | Area    | Length | Area     | Length | Area     | Length | Area      | Length |                 |
|             |                 |         |        |          |        |          |        |           |        |                 |
|             |                 |         |        |          |        |          |        |           |        |                 |
| Total:      |                 |         |        |          |        |          |        |           |        |                 |

If no mitigation is proposed, provide detailed explanation of why no mitigation would be necessary:  
All impacts are temporary, fill will be removed at completion of construction and the site will be restored to pre-project conditions.

If permittee-responsible mitigation is proposed, provide justification for not utilizing a Corps-approved mitigation bank or in-lieu fee program:

Has a draft/conceptual mitigation plan been prepared in accordance with the April 10, 2008 Final Mitigation Rule<sup>2</sup> and District Guidelines?

<sup>2</sup>[http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/mitig\\_info.aspx](http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/mitig_info.aspx)

<sup>3</sup>**Sacramento and San Francisco Districts**-[http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/pdf/Mitigation\\_Monitoring\\_Guidelines.pdf](http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/pdf/Mitigation_Monitoring_Guidelines.pdf)

<sup>4</sup>**Los Angeles District**-[http://www.spl.usace.army.mil/regulatory/mmg\\_2004.pdf](http://www.spl.usace.army.mil/regulatory/mmg_2004.pdf)

<sup>5</sup>**Albuquerque District**-[http://www.spa.usace.army.mil/reg/mitigation/SPA%20Final%20Mitigation%20Guidelines\\_OLD.pdf](http://www.spa.usace.army.mil/reg/mitigation/SPA%20Final%20Mitigation%20Guidelines_OLD.pdf)

Yes, Attached (or mail copy separately if applying electronically)  No

If no, a mitigation plan must be prepared and submitted, if applicable.

|  |                                    |
|--|------------------------------------|
| Mitigation site(s) Latitude & Longitude (D/M/S, DD, or UTM with Zone): | USGS Quadrangle map name(s):       |
| Assessor Parcel Number(s):   | Section(s), Township(s), Range(s): |

Other location descriptions, if known:

Directions to the mitigation location(s):

**Box 11 Threatened or Endangered Species**

**Please list any federally-listed (or proposed) threatened or endangered species or critical habitat (or proposed critical habitat) within the project area (include scientific names (e.g., Genus species), if known):**

- a. Oncorhynchus clarki henshawi
- b.
- c.
- d.
- e.
- f.

Have surveys, using U.S. Fish and Wildlife Service/NOAA Fisheries protocols, been conducted?

Yes, Report attached (or mail copy separately if applying electronically)  No

If a federal-listed species would be impacted, please provide a description of the impact and a biological evaluation, if available

Yes, Report attached (or mail copy separately if applying electronically)  No

Has Section 7 consultation been initiated by another federal agency?

Yes, Initiation letter attached (or mail copy separately if applying electronically)  No

Has Section 10 consultation been initiated for the proposed project?

Yes, Initiation letter attached (or mail copy separately if applying electronically)  No

Has the USFWS/NOAA Fisheries issued a Biological Opinion?

Yes, Attached (or mail copy separately if applying electronically)  No

If yes, list date Opinion was issued (m/d/yyyy):

**Box 12 Historic properties and cultural resources**

Are any cultural resources of any type known to exist on-site?  YES  NO

**Please list any historic properties listed (or eligible to be listed) on the National Register of Historic Places:**

- a. Farad Hydroelectric Facility -- Flume
- b.
- c.
- d.
- e.
- f.

Has a cultural resource records search been conducted?

Yes, Report attached (or mail copy separately if applying electronically)  No

Has a cultural resource pedestrian survey been conducted for the site?

Yes, Report attached (or mail copy separately if applying electronically)  No

Has another federal agency been designated the lead federal agency for Section 106 consultation?

Yes, Designation letter/email attached (or mail copy separately if applying electronically)  No

Has Section 106 consultation been initiated by another federal agency?

Yes, Initiation letter attached (or mail copy separately if applying electronically)  No

Has a Section 106 MOA or PA been signed by another federal agency and the SHPO?

Yes, Attached (or mail copy separately if applying electronically)  No

If yes, list date MOA or PA was signed (m/d/yyyy):

**Box 13 Section 401 Water Quality Certification:**Applying for certification?  Yes, Attached (or mail copy separately if applying electronically)  NoCertification issued?  Yes, Attached (or mail copy separately if applying electronically)  NoCertification waived?  Yes, Attached (or mail copy separately if applying electronically)  NoCertification denied?  Yes, Attached (or mail copy separately if applying electronically)  NoExempted Activity?  Yes  NoAgency concurrence?  Yes, Attached  No

If exempt, state why:

**Box 14 Coastal Zone Management Act**Is the project located within the Coastal Zone?  Yes  No

If yes, applying for a coastal commission-approved Coastal Development Permit?

 Yes, Attached (or mail copy separately if applying electronically)  No

If no, applying for separate CZMA-consistency certification?

 Yes, Attached (or mail copy separately if applying electronically)  NoPermit/Consistency issued?  Yes, Attached (or mail copy separately if applying electronically)  NoExempt?  Yes  NoAgency concurrence?  Yes, Attached  No

If exempt, state why:

**Box 15** List of other certification or approval/denials received from other federal, state, or local agencies for work described in this application:

| Agency | Type Approval <sup>4</sup> | Identification Number | Date Applied | Dated Approved | Date Denied |
|--------|----------------------------|-----------------------|--------------|----------------|-------------|
| CDFW   | 1602 LSAA                  |                       | 12/13/13     |                |             |
| RWQCB  | 401 Cert                   |                       | 12/13/13     |                |             |
|        |                            |                       |              |                |             |
|        |                            |                       |              |                |             |
|        |                            |                       |              |                |             |

<sup>4</sup>Would include but is not restricted to zoning, building, and flood plain permits

## Nationwide Permit General Conditions (GC) checklist:

(<http://www.gpo.gov/fdsys/pkg/FR-2012-02-21/pdf/2012-3687.pdf>)

| Check                               | General Condition   | Rationale for compliance with General Condition   |
|-------------------------------------|---|---|
| <input checked="" type="checkbox"/> | 1. Navigation   | The proposed project will not have an adverse effect on navigation.   |
| <input checked="" type="checkbox"/> | 2. Aquatic Life Movements                                 | The proposed project will not disrupt life cycle movements of aquatic species.  |
| <input checked="" type="checkbox"/> | 3. Spawning Areas   | There are no spawning areas within the project limits.  |
| <input checked="" type="checkbox"/> | 4. Migratory Bird Breeding Areas                          | The waters within the proposed project do not provide habitat for breeding migratory birds.   |
| <input checked="" type="checkbox"/> | 5. Shellfish Beds   | There are no concentrated shellfish populations within the project limits.  |
| <input checked="" type="checkbox"/> | 6. Suitable Material                                      | No trash, debris, car bodies, asphalt, or other unsuitable material will be placed in waters of the U.S., and all fill material will be free from toxic pollutants in toxic amounts.  |
| <input checked="" type="checkbox"/> | 7. Water Supply Intakes                                   | There is no public water supply intake in or near the project area.   |
| <input checked="" type="checkbox"/> | 8. Adverse Effects from Impoundments                      | The proposed project will not cause the impoundment of water.   |
| <input checked="" type="checkbox"/> | 9. Management of Water Flows                              | The proposed project will not alter the pre-construction course, condition, capacity, or location of open waters. The project has been designed to withstand expected high flows and will not impede the passage of normal or high flows. |
| <input checked="" type="checkbox"/> | 10. Fills Within 100-Year Floodplains                     | The activity will comply with applicable FEMA-approved state local floodplain management requirements.  |
| <input checked="" type="checkbox"/> | 11. Equipment   | The proposed project will not require use of heavy equipment in wetlands or mudflats.   |
| <input checked="" type="checkbox"/> | 12. Soil Erosion and Sediment Controls                    | Appropriate soil erosion and sediment controls will be used and maintained during construction.   |
| <input checked="" type="checkbox"/> | 13. Removal of Temporary Fills                            | Temporary fills will be removed and the project area returned to pre-project conditions.  |
| <input checked="" type="checkbox"/> | 14. Proper Maintenance                                    | Any authorized fill will be properly maintained.  |
| <input checked="" type="checkbox"/> | 15. Single and Complete Project                           | The activity is a single and complete project.  |
| <input checked="" type="checkbox"/> | 16. Wild and Scenic Rivers                                | There are no National Wild or Scenic Rivers, nor any rivers officially designated by Congress as study river and currently in official study status, within the limits of construction.   |
| <input checked="" type="checkbox"/> | 17. Tribal Rights   | There are no tribal rights reserved in the project area and no tribal rights will be impaired.  |
| <input checked="" type="checkbox"/> | 18. Endangered Species                                    | See Box 11 above  |
| <input checked="" type="checkbox"/> | 19. Migratory Bird and Bald and Golden Eagle Permits      | The proposed project will not result in the take of any migratory birds, bald or golden eagles.   |
| <input checked="" type="checkbox"/> | 20. Historic Properties                                   | See Box 12 above  |
| <input checked="" type="checkbox"/> | 21. Discovery of Previously Unknown Remains and Artifacts | The Corps will be immediately notified if any previously unknown remains or artifacts are discovered.   |
| <input checked="" type="checkbox"/> | 22. Designated Critical Resource Waters                   | The project does not contain any designated Critical Resource Waters.   |
| <input checked="" type="checkbox"/> | 23. Mitigation  | See Box 10 above  |
| <input checked="" type="checkbox"/> | 24. Safety of Impoundment Structures                      | The project does not include water impoundment structures.  |

|                                     |   |   |
|-------------------------------------|---|---|
| <input checked="" type="checkbox"/> | 25. Water Quality                               | See Box 13 above  |
| <input checked="" type="checkbox"/> | 26. Coastal Zone Management                     | See Box 14 above  |
| <input checked="" type="checkbox"/> | 27. Regional and Case-by-Case Conditions        | Caltrans will comply with any Regional or Case-by-Case conditions added by the Corps.   |
| <input checked="" type="checkbox"/> | 28. Use of Multiple Nationwide Permits          | The proposed project will not require multiple NWP's.   |
| <input checked="" type="checkbox"/> | 29. Transfer of Nationwide Permit Verifications | Caltrans will retain ownership of the property on which the proposed project will be built.   |
| <input checked="" type="checkbox"/> | 30. Compliance Certification                    | Caltrans will submit to the Corps a signed compliance certification upon completion of the project and any compensatory mitigation. |
| <input checked="" type="checkbox"/> | 31. Pre-Construction Notification               | This PCN complies with GC 31.   |

## Final Sacramento District NWP Regional Conditions (RC) for CA checklist:

([http://www.spk.usace.army.mil/Portals/12/documents/regulatory/nwp/2012\\_nwps/2012-NWP-RC-CA.pdf](http://www.spk.usace.army.mil/Portals/12/documents/regulatory/nwp/2012_nwps/2012-NWP-RC-CA.pdf))

| Check                               | Regional Condition   | Rationale for compliance with Regional Condition   |
|-------------------------------------|--|--|
| <input checked="" type="checkbox"/> | 1. <u>Pre-construction Notification</u> : The PCN shall also include:<br><input checked="" type="checkbox"/> a. Written statement regarding avoidance and minimization;<br><input checked="" type="checkbox"/> b. Drawings which include delineated WOTUS and OHWM, in accordance with the August 6, 2012 Special Public Notice: Final Map and Drawing Standards for the South Pacific Division Regulatory Program; and<br><input checked="" type="checkbox"/> c. Pre-project photos on a plan-view drawing.   | This PCN includes all elements required by General Condition 31 and Regional Condition 1.                              |
| <input checked="" type="checkbox"/> | 2. <u>Pre-construction Notification</u> : A PCN shall be submitted for;<br><input type="checkbox"/> a. All activities in a vernal pool<br><input type="checkbox"/> b. All activities in the Primary and Secondary Zones of the Legal Delta, Sacramento River, and San Joaquin River, and immediate tributaries of these waters.<br><input checked="" type="checkbox"/> c. All crossings of perennial and/or intermittent waters.<br><input type="checkbox"/> d. All activities proposed within 100 feet of a known natural spring.<br><input type="checkbox"/> e. All activities located in areas designated as EFH. | A PCN is required because the activity is a crossing of a perennial river.   |
| <input checked="" type="checkbox"/> | 3. <u>Recordation</u> : The permittee shall record the NWP verification with the Register of Deeds.  | The proposed project does not involve the designation of a preserve in navigable waters.                               |
| <input checked="" type="checkbox"/> | 4. <u>Avoided Waters</u> : *Unless determined impracticable by the Corps, the permittee shall:<br><input checked="" type="checkbox"/> a. Establish and maintain, in perpetuity, a preserve containing all avoided waters of the U.S.;<br><input checked="" type="checkbox"/> b. Place all avoided waters of the U.S. and upland buffers into a separate parcel; and<br><input checked="" type="checkbox"/> c. Establish permanent legal protection for all preserve parcels.<br><br>*If the Corps determines that it is impracticable to require   | All avoided waters will be protected by establishing Environmentally Sensitive areas and will be appropriately fenced. |

|                                     |  |  |
|-------------------------------------|--|--|
|                                     | permanent preservation of the avoided waters, additional mitigation may be required.   |  |
| <input checked="" type="checkbox"/> | <p><b>5. Temporary Fill:</b> The PCN shall include:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Why avoidance of temporary impacts is not practicable;</li> <li><input checked="" type="checkbox"/> A description of the proposed temporary fill;</li> <li><input checked="" type="checkbox"/> A proposed plan for restoration, including a plan for the revegetation, if necessary.</li> </ul> <p>For all activities resulting in temporary fill within waters of the U.S., the permittee shall:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> a. Utilize material consisting of clean and washed gravel;</li> <li><input checked="" type="checkbox"/> b. Place a horizontal marker; and</li> <li><input checked="" type="checkbox"/> c. Remove all temporary fill within 30 days.</li> </ul>       | A description of temporary fills and associated documentation is included in the PCN.  |
| <input checked="" type="checkbox"/> | <p><b>6. Stream Crossings:</b></p> <p>Unless determined to be impracticable by the Corps, the following criteria shall apply:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a. Employ bridge designs that span the stream or river, or designs that use a bottomless arch culvert with a natural stream bed;</li> <li><input checked="" type="checkbox"/> b. Ensure that no more than minor impacts would occur to fish and wildlife passage or expected high flows;</li> <li><input checked="" type="checkbox"/> c. No construction activities shall occur within standing or flowing waters. Any proposed dewatering plans must be approved, in writing, by the Corps; and</li> <li><input checked="" type="checkbox"/> d. All bank stabilization activities associated with a road crossing shall comply with Regional Condition 19.</li> </ul> | No work will be done within standing or flowing waters. Conceptual dewatering information has been included in this PCN.         |
| <input checked="" type="checkbox"/> | <p><b>7. Lead Federal Agency:</b> The lead Federal agency shall provide all documentation demonstrating previous consultation efforts.</p>   | Caltrans has included consultation documentation with the PCN.   |
| <input checked="" type="checkbox"/> | <p><b>8. Compliance Certificate:</b> The permittee shall submit the following additional information:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> a. As-built drawings.</li> <li><input checked="" type="checkbox"/> b. Post-construction photos on a plan-view drawing.</li> </ul>   | Information as required under General Condition 30 and Regional Condition 8 will be submitted with the compliance certification. |
| <input checked="" type="checkbox"/> | <p><b>9. Permittee Responsible Mitigation:</b> Permittee shall submit a final comprehensive mitigation and monitoring plan prior to commencement of construction activities.</p>   | The activity does not involve permittee-responsible mitigation.  |
| <input checked="" type="checkbox"/> | <p><b>10. Mitigation:</b> Permittee shall complete construction of mitigation before or concurrent with commencement of project construction. Permittee shall submit proof of mitigation bank or ILF payment to the Corps prior to commencement of project construction.</p>   | None   |
| <input checked="" type="checkbox"/> | <p><b>11. Contractor Awareness:</b> Permittee is responsible for contractor/worker awareness and shall ensure that a copy of the permit authorization and associated drawings are available and visible at the site until completion of construction.</p>  | A copy of the permit and drawings will be available for review at the project site.  |
| <input checked="" type="checkbox"/> | <p><b>12. Limits of Disturbance:</b> Permittee shall clearly</p>   | The project limits have been clearly identified in the   |

|                                     |   |   |
|-------------------------------------|---|---|
|                                     | identify the limits of disturbance in the field with highly visible markers.  | field.  |
| <input checked="" type="checkbox"/> | 13. <u>Notification</u> : Permittee shall notify the Corps 10 days prior to initiation of project construction.   | The Corps will be notified 10 days prior to initiation of project construction.   |
| <input checked="" type="checkbox"/> | 14. <u>Inspections</u> : Permittee shall allow the Corps to inspect the authorized activity(s).   | Corps representatives may inspect the project and any avoidance/mitigation areas for compliance with the NWP at any time. |
| <input checked="" type="checkbox"/> | 15. <u>Mather Core Recovery Area (Sacramento County)</u> : NWP's (see list) revoked from use in vernal pools.   | The activity is not located within the Mather Core Recovery Area.   |
| <input checked="" type="checkbox"/> | 16. <u>Legal Delta</u> : NWP's (see list) revoked.  | The activity is not located within the Legal Delta.   |
| <input checked="" type="checkbox"/> | 17. <u>Secondary Zone</u> : Mitigation required in Secondary Zone of the Legal Delta.   | The activity is not located within the Secondary Zone of the Legal Delta.   |
| <input checked="" type="checkbox"/> | 18. <u>NWP 12</u> :<br><input type="checkbox"/> Shall not result in the draining of any wetland or WOTUS.<br><input type="checkbox"/> Permittee shall remove and stockpile top 6-12" of topsoil.<br><input type="checkbox"/> Permittee shall replace the topsoil and seed w/native vegetation.<br><input checked="" type="checkbox"/> A PCN shall be submitted when:<br><input type="checkbox"/> a. result in a discharge of fill into perennial or intermittent waters, wetlands, mudflats, vegetated shallows, riffle & pool complexes, sanctuaries, refuges, or coral reefs;<br><input type="checkbox"/> b. result in a discharge of fill into greater than 100 linear feet of ephemeral WOTUS;<br><input type="checkbox"/> c. includes the construction of a temporary or permanent access road, substation or foundation within WOTUS; or<br><input type="checkbox"/> d. activity would not involve the restoration of all utility line trenches to pre-project contours and conditions. | The activity does not involve use of NWP 12.  |
| <input checked="" type="checkbox"/> | 19. <u>NWP's 13 and 14</u> :<br><input type="checkbox"/> Shall involve either the sole use of native vegetation or other bioengineering design techniques, or a combination of.<br><u>PCN shall be submitted when</u> :<br><input type="checkbox"/> Bank stabilization involves hard-armoring or non-vegetated/non-bioengineered technique below the OHWM.  | The activity does not involve the use of NWP 13 or 14.  |
| <input checked="" type="checkbox"/> | 20. <u>NWP 23</u> : Permittee shall submit a PCN for all activities, and must include a copy of the CE document and final agency determinations regarding compliance with ESA, EFH, and NHPA.   | The activity does not involve the use of NWP 23.  |
| <input checked="" type="checkbox"/> | 21. <u>NWP 27</u> : Permittee shall submit it a PCN when:<br><input type="checkbox"/> Activity would result in a discharge of fill into perennial or intermittent waters, wetlands, mudflats, vegetated shallows, riffle & pool complexes, sanctuaries, refuges, or coral reefs;<br>or<br><input type="checkbox"/> Activity would result in a discharge of fill into greater than 100 linear feet of ephemeral WOTUS.   | The activity does not involve use of NWP 27.  |

|   |  |  |
|---|--|--|
| ☒ | 22. <u>NWP's 29 and 39</u> : Channelization or relocation of intermittent or perennial drainages is not authorized, except when relocation would result in a net increase in functions.  | The activity does not involve use of NWPs 29 or 39.  |
| ☒ | 23. <u>Waivers</u> : 300 and 500 linear foot waivers must include:<br><input type="checkbox"/> a. A narrative description of the stream describing adjacent vegetation community, wetland status, surrounding land use, water quality, cumulative impacts in the watershed, etc.;<br><input type="checkbox"/> b. An analysis of the proposed impacts to the waterbody;<br><input type="checkbox"/> c. Measures taken to avoid and minimize losses to WOTUS; and<br><input type="checkbox"/> d. A compensatory mitigation plan. | The activity does not require a 300 or 500 linear foot waiver.   |
| ☒ | 24. <u>NWP's 29, 39, 40, 42, and 43</u> : The permittee shall establish and maintain upland vegetated buffers, at least 50' in width, in perpetuity.   | The activity does not involve use of NWPs 29, 39, 40, 42, or 43.   |
| ☒ | 25. <u>NWP 46</u> : Discharge shall not cause the loss of greater than 0.5 acres of WOTUS or the loss of more than 300 linear feet of ditch.   | The activity does not involve use of NWP 46.   |
| ☒ | 26. All NWP's: All NWP's except (see list) are revoked for activities in histosols, fens, bogs and peatlands, and in wetlands contiguous with fens.  | The project does not involve activities in histosols, fens, bogs and peatlands, or in wetlands contiguous with fens. |



**Lahontan Regional Water Quality Control Board**

**M E M O R A N D U M**

**TO :** Ron Sykes  
California Department of Transportation – District 3  
703 B. Street  
Marysville, CA 95901

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

**DATE:** February 18, 2014

**SUBJECT: BOARD ORDER NO. R6T-2014-0011 FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND FLOODPLAIN PROHIBITION EXEMPTION FOR THE TRUCKEE RIVER BRIDGE REPAIR PROJECT, NEVADA COUNTY, WDID 6A291312004**

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received a complete Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) application and application filing fee from the Department of Transportation – District 3 (Applicant) for the Truckee River Bridge Repair Project (Project) in Nevada County. This Order for WQC hereby assigns this Project the following reference number: Waste Discharger Identification (WDID) No. 6A291312004. Please use this reference number in all future correspondence regarding this Project.

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

**PROJECT DESCRIPTION****Table of Project Information:**

|  |   |                  |             |             |                  |             |             |
|--|---|------------------|-------------|-------------|------------------|-------------|-------------|
| WDID Number  | 6A291312004   |                  |             |             |                  |             |             |
| Applicant  | Ron Sykes<br>California Department of Transportation – District 3<br>703 B. Street<br>Marysville, CA 95901  |                  |             |             |                  |             |             |
| Agent  | Cassandra Evenson<br>California Department of Transportation – District 3<br>703 B. Street<br>Marysville, CA 95901  |                  |             |             |                  |             |             |
| Project Name   | Truckee River Bridge Repair Project   |                  |             |             |                  |             |             |
| Project Purpose and Description  | The purpose of this Project is to rehabilitate the bridge support structure by repairing bent caps, replacing seismic shear blocks, and replacing seismic restrainer cables on the Truckee River Bridge. Repair of the bent caps and replacement of the seismic elements are needed to prevent further deterioration of the bridge and prolong the bridge life. A temporary support structure will be erected in the streambed and will require dewatering around the existing piers on the east bank of the river. |                  |             |             |                  |             |             |
| Project Type   | Bridge repair   |                  |             |             |                  |             |             |
| Project County   | Nevada  |                  |             |             |                  |             |             |
| Project Address or other Locating Information                              | Interstate 80 at Post Mile 28.0, approximately one-half mile north of Floriston.  |                  |             |             |                  |             |             |
| Location Latitude/Longitude  | Latitude: 39.4017, Longitude: -120.0217   |                  |             |             |                  |             |             |
| Hydrologic Area  | Hydrologic Area 635.20  |                  |             |             |                  |             |             |
| Overall Project Area   | 4 acres   |                  |             |             |                  |             |             |
| Receiving Water(s) Name  | Truckee River   |                  |             |             |                  |             |             |
| Water Body Type(s)   | River/Stream  |                  |             |             |                  |             |             |
| Designated Beneficial Uses   | MUN, AGR, IND, GWR, FRSH, POW, REC-1, REC-2, COMM, COLD, WILD, RARE, MIGR, SPWN,  |                  |             |             |                  |             |             |
| Potential Water Quality Impacts  | Sediment, turbidity, and construction related pollutants.   |                  |             |             |                  |             |             |
| Area of water(s) within the overall Project area                           | 0.20 acres  |                  |             |             |                  |             |             |
| Impacts of Fill to waters of the state, including waters of the U.S (WOUS) | <b>Waterbody Type</b>   | <b>Permanent</b> |             |             | <b>Temporary</b> |             |             |
|  |   | Acres Sq. Ft.    | Linear Feet | Cubic Yards | Acres            | Linear Feet | Cubic Yards |
|  | <i>Lake</i>   |                  |             |             |                  |             |             |
|  | <i>Riparian</i>   |                  |             |             |                  |             |             |
|  | <i>Stream</i>   |                  |             |             | 0.05             | 175         | 600         |
|  | <i>Wetland</i>  |                  |             |             |                  |             |             |
| Impacts of dredging (excavation) to waters of the state, including WOUS.   | <b>Waterbody Type</b>   | <b>Permanent</b> |             |             | <b>Temporary</b> |             |             |
|  |   | Acres or Sq. Ft. | Linear Feet | Cubic Yards | Acres            | Linear Feet | Cubic Yards |
|  | <i>Lake</i>   |                  |             |             |                  |             |             |
|  | <i>Riparian</i>   |                  |             |             |                  |             |             |
|  | <i>Stream</i>   |                  |             |             |                  |             |             |
|  | <i>Wetland</i>  |                  |             |             |                  |             |             |
|  | <b>Total</b>  |                  |             |             | <b>0.05</b>      | <b>175</b>  | <b>600</b>  |

**Table of Project Information Continued:**

|                             |  |
|-----------------------------|--|
| Federal Permit(s)           | The Applicant has applied for U.S. Army Corps of Engineers (USACOE) authorization to proceed under a Nationwide Permit 3, pursuant to CWA section 404.   |
| Non-Compensatory Mitigation | Work will be done during lower flows and a clear water diversion will be constructed to isolate the work area from stream flows. Dewatering waste will be discharged at an appropriate upland location. Standard Caltrans Construction Site Best Management Practices (BMPs), including clear water diversion, dewatering, sediment, erosion and site management controls will be used. A site-specific Water Pollution Control Plan will be developed and implemented for the Project by the selected contractor. |
| Compensatory Mitigation     | Restore temporary impacts to 0.05 acres/175 linear feet (1:1) of stream channel to pre-project conditions.   |
| Applicable Fees             | \$3,303 (\$1,097 base fee + \$1,920 discharge fee for 175 linear feet of impacts to Federal Jurisdictional waters at \$10.97 per foot + \$287 ambient surcharge at 9.5% of base fee plus discharge fee).   |
| Fees Received               | \$3,300  |

**100-YEAR FLOOD PLAIN WASTE DISCHARGE PROHIBITION**

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

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

**PROHIBITION EXEMPTION**

In accordance with provisions in the Basin Plan, the Water Board may grant exemptions to prohibition 4(c) “...for the repair or replacement of existing structures provided that the repair or replacement does not involve the loss of additional floodplain area or volume... and that all applicable BMPs and mitigation measures have been incorporated into the Project to minimize any potential soil erosion and/or surface runoff problems.”

The Project would repair an existing bridge and have no permanent change in floodplain area or volume. All applicable BMPs and mitigation measures will be used to complete the Project. All disturbed soil areas will be restored to pre-Project conditions.

**EXEMPTION AUTHORITY**

In accordance with Resolution No. R6T-2008-0031, the Water Board has delegated authority to the Executive Officer to grant exemptions to prohibition 4(c) where the Executive Officer has the authority to authorize the Project under an individual WQC order.

**EXEMPTION GRANTED**

Water Board staff has notified the Project proponent and interested parties of its intent to adopt this prohibition exemption 10 days in advance of issuing this exemption through online and emailed notices soliciting comments on the proposed Project. The Water Board has determined that the Project satisfies the exemption criteria listed above. An exemption to Basin Plan prohibition 4(c) is hereby granted.

**CEQA COMPLIANCE**

The Water Board has determined that this Project is exempt from the California Environmental Quality Act (CEQA)(Public Resources Code Section 21000 et seq.). In accordance with sections 15301 and 15302, the basis for CEQA exemption is “Existing Facilities and “Replacement and Reconstruction.” A Notice of Exemption will be filed with the State Clearinghouse concurrently with issuing this Order.

**SECTION 401 WATER QUALITY CERTIFICATION****Authority**

Section 401 of the CWA (33 U.S.C., paragraph 1341) requires that any applicant for a CWA section 404 permit, who plans to conduct any activity that may result in discharge of dredged or fill materials to WOUS, must provide to the permitting agency a certification that the discharge will be in compliance with applicable water quality standards of the state in which the discharge will originate. No section 404 permit may be granted (or valid) until such certification is obtained. The Applicant submitted a complete application and the fees required for WQC under section 401 for the Project. The Applicant has applied for USACOE authorization to proceed under Nationwide Permit No. 3 pursuant to CWA section 404.

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

**Standard Conditions**

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

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and CCR title 23, section 3867.
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license unless the pertinent certification application was filed pursuant to CCR title 23, section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of any non-denial certification action must be conditioned upon total payment of the full fee required under CCR title 23, section 3833, unless otherwise stated in writing by the certifying agency.
4. Neither Project construction activities nor operation of the Project may cause a violation of the Water Quality Control Plan for the Lahontan Region (Basin Plan), may cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the Water Code.
5. The Project must be constructed and operated in accordance with the Project described in the application for WQC that was submitted to the Water Board. Deviation from the Project description constitutes a violation of the conditions upon which the certification was granted. Any significant changes to this Project that would have a significant or material effect on the findings, conclusions, or conditions of this certification, including Project operation, must be submitted to the Executive Officer for prior review and written approval.
6. This WQC is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the state of California or any subdivision thereof may result in the revocation of this certification and civil or criminal liability.
7. The Water Board may add to or modify the conditions of this certification as appropriate to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the CWA, or as appropriate to coordinate the operations of this Project with other projects where coordination of operations is reasonably necessary to achieve water quality standards or protect the beneficial uses of water. Notwithstanding any more specific conditions in this certification, the Project must be constructed and operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the CWA.
8. This certification does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. sections 1531 et seq.). If a "take" will result from any act authorized under this certification, the Applicant must obtain authorization for the take prior to construction or operation of the Project. The Applicant is responsible for meeting all applicable requirements of the Endangered Species Act for the Project authorized under this certification.

**Additional Conditions**

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

1. The Applicant must prepare and implement a site-specific dewatering plan. The plan must be available for Water Board review upon request prior to initiating any work. At a minimum, the plan must address the following elements:
  - a. Design of clear water diversion structure
  - b. Dewatering waste disposal method(s)
  - c. Sediment and erosion control methods
  - d. Condition of fill rock placed within the streambed
  - e. Monitoring and reporting plan
2. No land disturbance is authorized between October 15 and May 1 the following year unless granted a variance by the Executive Officer. All disturbed areas must be winterized during the period between October 15 and May 1 of the following year.
3. No debris, cement, concrete (or wash water therefrom), oil or petroleum products, paints, or other hazardous materials must enter into or be placed where it may be washed from the Project site by rainfall or runoff into waters of the state. When operations are completed, any excess material must be removed from the Project work area, and from any areas adjacent to the work area where such material may be transported into waters of the state.
4. The Applicant must immediately (within two hours) notify Water Board staff by telephone whenever an adverse condition occurs as a result of this discharge. Such a condition includes, but is not limited to, a violation of the conditions of this Order, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. A written notification of the adverse condition must be provided to the Water Board within two weeks of occurrence. The written notification must identify the adverse condition, describe the actions necessary to remedy the condition, and specify a timetable, subject to any modifications by Water Board staff, for the remedial actions.
5. The Applicant must prevent the introduction or spread of noxious/invasive weeds and organisms within the Project and staging area. Measures must include the cleaning of all equipment and gear that has been in an infested site with water heated to 120 degrees Fahrenheit or more, the use of weed-free erosion control materials (including straw), and the use of weed-free seeds and plant material for revegetation of disturbed areas.
6. Rock materials must be washed and free of adhered soil materials prior to placement into 100-year floodplains. The discharge of wastewater to surface waters from rock washing is not authorized by this Order.

7. Construction equipment must be monitored for leaks, and removed from service if necessary to protect water quality.
8. An emergency spill kit must be at the Project site at all times.
9. All disturbed areas must be stabilized after construction. A final report documenting the completed work, stabilization measures, and monitoring data must be submitted to the Water Board within 30 days of Project completion.
10. A copy of this Order must be maintained at the Project site so as to be available at all reasonable times to site operating personnel and Water Board staff.

### **Enforcement**

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Clean Water Act section 401(d), the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
2. In response to a suspected violation of any condition of this certification, the State Water Board or the Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring report the State Water Board or Water Board deems appropriate, provided that the burden, including costs, of the reports must be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
3. In response to any violation of the conditions of this certification, the Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

### **Section 401 Water Quality Certification Requirements Granted**

I hereby issue an Order certifying that any discharge from the referenced Project will comply with the applicable provisions of CWA sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards), and with other applicable requirements of state law. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State WQC" which requires compliance with all conditions of this WQC.

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

We look forward to working with you in your efforts to protect water quality. If you have questions, please contact Bud Amorfini at (530) 542-5463 or Alan Miller, Chief, North Basin Regulatory Unit, at (530) 542-5430.

cc: Cassandra Evenson, Caltrans District 3  
(via email at [Cassandra.evenson@dot.ca.gov](mailto:Cassandra.evenson@dot.ca.gov))  
Jason Brush, Wetlands Regulatory Office (WTR-8), US EPA, Region 9  
(via email at [R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov))  
Bill Orme, State Water Resources Control Board, Division of Water Quality  
(via email at [Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov))  
Leah Fisher, U.S. Army Corps of Engineers, Sacramento District  
(via email at [Leah.m.fisher@UASCE.army.mil](mailto:Leah.m.fisher@UASCE.army.mil))  
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## **“RAILROAD RELATIONS AND INSURANCE REQUIREMENTS”**

### **1.01 GENERAL**

The term “Railroad” shall mean Union Pacific Railroad Company (UPRR).

There is no work to be performed on Railroad property. Only access through Railroad property is required to reach project site.

It is expected that the Railroad will cooperate with the Contractor to the end that the work may be handled in an efficient manner. However, except for the additional compensation provided for hereinafter for delays in completion of specific unit of work to be performed by the Railroad, and except as provided in Public Contracts Code Section 7102, the Contractor shall have no claim for damages, extension of time, or extra compensation in the event his work is held up by railroad train operations or other work performed by the Railroad.

The Contractor must understand the Contractor's right to enter the Railroad's property is subject to the absolute right of the Railroad to cause the Contractor's work on the Railroad's property to cease if, in the opinion of the Railroad, the Contractor's activities create a hazard to the Railroad's property, employees, and operations.

The Contractor acknowledges its receipt from the State of a copy of the Caltrans Right of Entry Agreement that has been executed by the Railroad and the State. The Contractor agrees to execute and deliver to the Railroad the Contractor's Endorsement that is attached hereto as **Appendix 1** and to provide to the State and/or the Railroad all insurance policies, binders, certificates or endorsements that are set forth in **Exhibits A and B** of the Caltrans Right of Entry Agreement.

### **1.02 RAILROAD REQUIREMENTS**

The Contractor shall provide to Peggy Ygbuhay, Railroad's Manager, Industry and Public Projects, Phone: (916) 789-5152, Address: 9451 Atkinson Street, Roseville, California, 95747, and the Engineer, in writing, the advance notice requirements set forth in Section 1 of **Exhibit A** of the Caltrans Right of Entry Agreement before performing any work on, or adjacent to the property or tracks of the Railroad.

The Contractor shall contact Railroad Track Manager of Maintenance, Mike Upton, MTM, of Railroad at (559) 240-3734, to make arrangement for ingress and egress of Railroad property.

The Contractor shall cooperate with the Railroad where work is over or under the tracks, or within the limits of the Railroad property to expedite the work and avoid interference with the operation of railroad equipment.

The Contractor shall comply with the rules and regulations of the Railroad or the instructions of its representatives in relation to protecting the tracks and property of the Railroad and the traffic moving on such tracks, as well as the wires, signals and other property of the Railroad, its tenants or licensees, at and in the vicinity of the work during the period of construction. The responsibility of the Contractor for safe conduct and adequate policing and supervision of its work at the job site shall not be lessened or otherwise affected by the presence at the work site of the Railroad representatives, or by the Contractor's compliance with any requests or recommendations made by the Railroad representatives.

The Contractor shall perform work so as not to endanger or interfere with the safe operation of the tracks and property of the Railroad and traffic moving on such tracks, as well as wires, signals and other property of the Railroad, its tenants or licensees, at or in the vicinity of the work.

### **1.03 DELAYS DUE TO WORK BY RAILROAD.**

If delays due to work by the Railroad occur, and the Contractor sustains loss which, in the opinion of the Engineer, could not have been avoided by the judicious handling of forces, equipment and plant, the amount of said loss shall be determined as provided in Section 8-1.07, "Delays," of the 2010 Standard Specifications.

If a delay due to work by the Railroad occurs, an extension of time determined pursuant to the provisions in Section 8-1.10, "Liquidated Damages," of the 2010 Standard Specifications will be granted.