

INFORMATION HANDOUT

For Contract No. 12-0M5804

At 12-Ora-39-PM 0.7/1.1

**Identified by
Project ID 1212000115**

PERMITS

United States Army Corps of Engineers Permit No. SPL-2013-00181-SCH

WATER QUALITY

California Regional Water Quality Control Board

Santa Ana Region Clean Water Act Section 401 Water Quality Certification

AGREEMENTS

California Department of Fish and Wildlife Final Streambed Alteration Agreement

Notification No. 1600-2013-0046-R5

California Department of Fish and Wildlife Final Streambed Alteration Agreement Amendment

Notification No. 1600-2013-0046-R5

MATERIALS INFORMATION

Geotechnical Services Memorandum on Ground Water Level Report



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

Los Angeles District Corps of Engineers
P.O. Box 532711
Los Angeles, California 90053

April 25, 2013

Regulatory Division

Mr. Shawn Ziaie, Project Engineer
California Department of Transportation, District 12
3347 Michelson Drive, Suite 380
Irvine, California 92612

Dear Mr. Ziaie:

I am responding to your request, dated February 25, 2013 (SPL-2013-00181-SCH), for a Department of the Army permit. Your proposed project, State Route-39 36-Inch Diameter Pipe Installation Project, would result in a discharge of dredged and/or fill material into waters of the United States. Therefore, pursuant to section 404 of the Clean Water Act (33 U.S.C. 1344; 33 C.F.R. parts 320 and 332), your proposed project requires a Department of the Army permit. The project is located within the City of Huntington Beach, Orange County, California. (33.66203°N, -117.98863°W)

Specifically, you have requested authorization to permanently impact 0.11 acre (1,250 linear feet) of wetland and 0.06 acre (612 linear feet) of non-wetland waters of the U.S., associated with installing an underground 36-inch-diameter reinforced-concrete pipe within an existing earthen channel, constructing curb opening inlets, removing an asphalt concrete dike, regrading the slope, hydroseeding, and constructing a six-foot-wide sidewalk along the entire length of the project to facilitate mobility through the area.

I have determined construction of the State Route-39 36-Inch Diameter Pipe Installation Project activities comply with Nationwide Permit (NWP) No. 14 Linear Transportation Projects, if conducted as described in your application.

For this NWP 14 verification letter to be valid, you must comply with all of the terms and conditions in Enclosure 1. Furthermore, you must comply with the following non-discretionary Special Conditions listed below:

1. The Permittee shall abide by the terms and conditions of the project's section 401 Water Quality Certification, dated April 22, 2013.
2. Prior to initiating construction in waters of the U.S., the Permittee shall provide documentation to Corps Regulatory Division verifying the purchase of 0.5 acre of riverine habitat enhancement and/or restoration credit from a Corps Regulatory Division-approved mitigation bank or in-lieu fee program (ILFP) within the Santa Ana River watershed, to mitigate for this project's permanent impacts to 0.11 acre of wetland waters of the U.S. and 0.06 acre of non-wetland waters of the U.S. (2.9:1 mitigation ratio). The Permittee shall not initiate work in waters of the U.S. until receiving written confirmation (by letter or e-mail) from the Corps Regulatory Division as to compliance with this special condition. The permittee retains responsibility for providing the compensatory mitigation until the number and resource type of credits described above have been secured from a sponsor and the Corps Regulatory Division has received documentation that confirms that the sponsor has accepted the responsibility for providing the required compensatory mitigation. This documentation may consist of a letter or form signed by the sponsor, with the permit number and a statement indicating the number and resource type of credits that have been secured from the sponsor.

3. The Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter avoided waters of the U.S. and riparian wetland/habitat areas. Adverse impacts to waters of the U.S. beyond the Corps Regulatory Division-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements.

4. Within 45 calendar days of completing authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a memo including the following:

- A) Date(s) work within waters of the U.S. was initiated and completed;
- B) Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions completed or being taken to achieve compliance);
- C) Color photographs taken at the project site before and after construction for those aspects directly associated with impacts to waters of the U.S.; and
- D) Signed Certification of Compliance.

5. The permittee shall employ all best management practices (BMPs) to ensure that no debris, soil, silt, sand, rubbish, cement or concrete washings thereof, oil or petroleum can be washed by rainfall or runoff into waterways. When project operations are completed, any and all excess construction material, debris, and or other associated excess project materials shall be removed and if not recycled or reused, disposed of at an appropriate off-site location outside of any Corps jurisdictional waters of the U.S. Similarly, the permittee shall ensure that all vehicle maintenance, staging, storage, and dispensing of fuel occurs in designated upland areas. The permittee shall ensure that these designated upland areas are located in such a manner to prevent any runoff from entering waters of the U.S.

6. A copy of this permit shall be on the job site at all times during construction. The permittee shall provide a copy of this permit to all contractors, subcontractors, and forepersons. The permittee shall require that all contractors, subcontractors, and forepersons read this authorization in its entirety and acknowledge they understand its contents and their responsibility to ensure compliance with all general and special conditions contained herein.

Endangered Species Act:

7. This Corps permit does not authorize you to take any federally listed as threatened or endangered species. In order to legally take a federally listed species, you must have separate authorization under the Endangered Species Act (ESA) from the U.S. Fish and Wildlife Service.

Cultural Resources:

8. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Regulatory Division staff and Archeology staff (Steve Dibble at 213-452-3849 or John Killeen at 213-452-3861) within 24 hours. The Permittee shall immediately suspend all work within 100 feet of any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division reauthorizes project construction, per 36 C.F.R. section 800.13.

Your verification is valid through **March 18, 2017**. All NWP's will expire on March 18, 2017. It is incumbent upon you to remain informed of changes to the NWP's. A public notice of the change(s) will be issued when any of the NWP's are modified, re-issued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date on which the relevant NWP is reissued, modified,

or revoked, you will have twelve (12) months from the date of the reissuance, modification, or revocation of the NWP to complete the activity under the present terms and conditions of the relevant NWP.

A preliminary jurisdictional determination (JD) has been conducted to determine the extent of U.S. Army Corps of Engineers (Corps) geographic jurisdiction, upon which this NWP verification is based. A preliminary JD is advisory in nature and is a written indication that Corps geographic jurisdiction may be present on a particular site, but is not appealable. An approved JD is an official Corps determination of the precisely identified limits of Corps geographic jurisdiction on a particular site, and is appealable. Should you wish to appeal an approved JD, you may request an administrative appeal under Corps regulations at 33 C.F.R. part 331. Please refer to the enclosed Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form for more information.

A NWP does not grant any property rights or exclusive privileges. Additionally, it does not authorize any injury to the property, rights of others, nor does it authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Thank you for participating in our regulatory program. If you have any questions, please contact Sophia Huynh at 213-452-3357 or via e-mail at Sophia.C.Huynh@usace.army.mil.

Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: <http://per2.nwp.usace.army.mil/survey.html>.

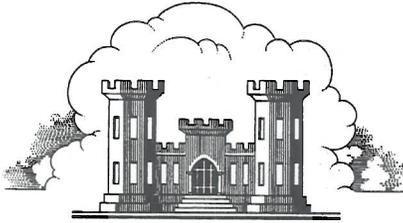
“Building Strong and Taking Care of People!”

Sincerely,



Mark D. Cohen
Deputy Chief, Regulatory Division

Enclosure(s)



**LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS**

**CERTIFICATE OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT**

Permit Number: *SPL-2013-00181-SCH*

Name of Permittee: *California Department of Transportation District 12, Shawn Ziaie*

Date of Issuance: *April 25, 2013*

Upon completion of the activity authorized by this permit and the mitigation required by this permit, sign this certificate, and return it to the following address:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
ATTN: CESPL-RG-SPL-2011-00181-SCH
P.O. Box 532711
Los Angeles, California 90053

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this Nationwide Permit, you may be subject to permit suspension, modification, or revocation procedures as contained in 33 C.F.R. § 330.5 or enforcement procedures such as those contained in 33 C.F.R. §§ 326.4 and 326.5.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit condition(s).

Signature of Permittee

Date

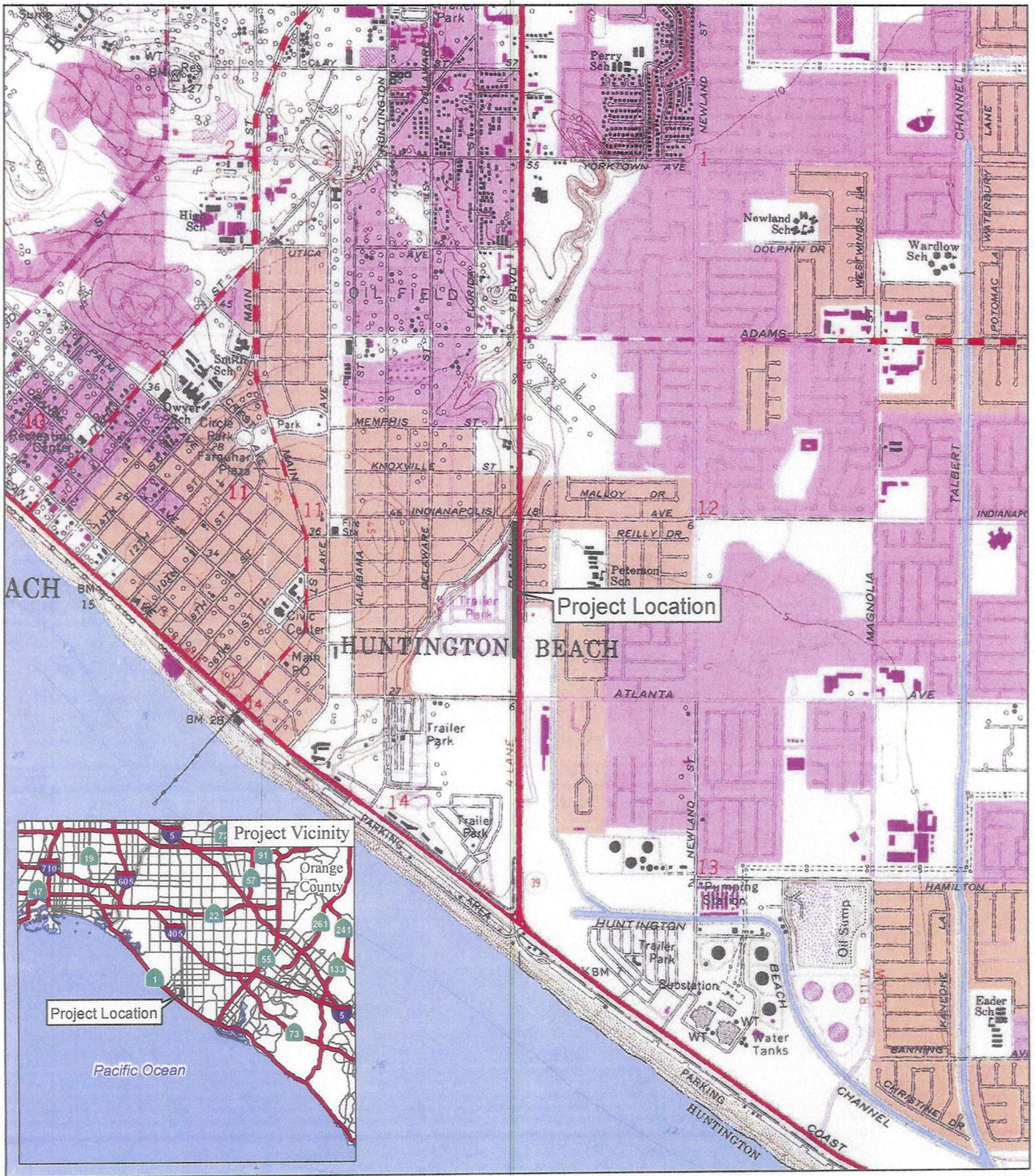
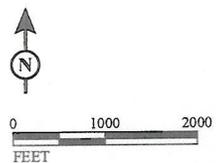


FIGURE 1

*Shorecliff Mobile Home Park 36 Inch Pipe Project
Vicinity and Project Location Map*



SOURCE: USGS 7.5' Quad. NEWPORT BEACH (81)
I:\CDT1118\GIS\Project_Location.mxd (7/25/2012)



FIGURE 4
Sheet 1 of 2

LEGEND

- Permanent Impacts
- Existing Habitat
 - Freshwater Marsh
 - Annual Grassland
- Alkali Meadow
- Ruderal
- Developed



SOURCE: Bing (c. 2009)
E:\CDT1118\GIS\Impacts.mxd (7/25/2012)

Habitat Types	Permanent (acres)	Temporary (acres)	Total
Alkali Meadow	0.01	---	0.01
Annual Grassland	0.04	0.06	0.09
Developed	0.02	0.09	0.11
Freshwater Marsh	0.10	---	0.10
Ruderal	---	0.63	0.63
Total:	0.17	0.77	0.94

Enclosure 1: NATIONWIDE PERMIT NUMBER(S) NWP 14 Linear Transportation Projects. TERMS AND CONDITIONS

1. Nationwide Permit(s) NWP 14 Linear Transportation Projects. Terms:

Your activity is authorized under Nationwide Permit Number(s) NWP 14 Linear Transportation Projects. subject to the following terms:

14. Linear Transportation Projects. Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project. This NWP also authorizes temporary structures, fills, and work necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate. This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars. Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10 acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 27.) (Sections 10 and 404) Note: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

2. Nationwide Permit General Conditions: The following general conditions must be followed in order for any authorization by an NWP to be valid:

1. **1. Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation.
(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.
14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.
15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.
16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.
(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the

determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

31. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer.

However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;

linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

3. Regional Conditions for the Los Angeles District:

In accordance with General Condition Number 27, "Regional and Case-by-Case Conditions," the following Regional Conditions, as added by the Division Engineer, must be met in order for an authorization by any Nationwide to be valid:

1. For all activities in waters of the U.S. that are suitable habitat for federally listed fish species, the permittee shall design all road crossings to ensure that the passage and/or spawning of fish is not hindered. In these areas, the permittee shall employ bridge designs that span the stream or river, including pier- or pile-supported spans, or designs that use a bottomless arch culvert with a natural stream bed, unless determined to be impracticable by the Corps.
2. Nationwide Permits (NWP) 3, 7, 12-15, 17-19, 21, 23, 25, 29, 35, 36, or 39-46, 48-52 cannot be used to authorize structures, work, and/or the discharge of dredged or fill material that would result in the "loss" of wetlands, mudflats, vegetated shallows or riffle and pool complexes as defined at 40 CFR Part 230.40-45. The definition of "loss" for this regional condition is the same as the definition of "loss of waters of the United States" used for the Nationwide Permit Program. Furthermore, this regional condition applies only within the State of Arizona and within the Mojave and Sonoran (Colorado) desert

5. Individual Permits shall be required for all discharges of fill material in jurisdictional vernal pools, with the exception that discharges for the purpose of restoration, enhancement, management or scientific study of vernal pools may be authorized under NWP 5, 6, and 27 with the submission of a PCN in accordance with General Condition 31 and Regional Condition 3.
6. Individual Permits shall be required in Murrieta Creek and Temecula Creek watersheds in Riverside County for new permanent fills in perennial and intermittent watercourses otherwise authorized under NWP 29, 39, 42 and 43, and in ephemeral watercourses for these NWP 14 for projects that impact greater than 0.1 acre of waters of the United States. In addition, when NWP 14 is used in conjunction with residential, commercial, or industrial developments the 0.1 acre limit would also apply.
7. Individual Permits (Standard Individual Permit or 404 Letter of Permission) shall be required in San Luis Obispo Creek and Santa Rosa Creek in San Luis Obispo County for bank stabilization projects, and in Gaviota Creek, Mission Creek and Carpinteria Creek in Santa Barbara County for bank stabilization projects and grade control structures.
8. In conjunction with the Los Angeles District's Special Area Management Plans (SAMPs) for the San Diego Creek Watershed and San Juan Creek/Western San Mateo Creek Watersheds in Orange County, California, the Corps' Division Engineer, through his discretionary authority has revoked the use of the following 26 selected NWP within these SAMP watersheds: 03, 07, 12, 13, 14, 16, 17, 18, 19, 21, 25, 27, 29, 31, 33, 39, 40, 41, 42, 43, 44, 46, 49, and 50. Consequently, these NWP are no longer available in those watersheds to authorize impacts to waters of the United States from discharges of dredged or fill material under the Corps' Clean Water Act section 404 authority.
9. Any requests to waive the 300 linear foot limitation for intermittent and ephemeral streams for NWP 29, 39, 40 and 42, 43, 44, 51 and 52 or to waive the 500 linear foot limitation along the bank for NWP 13, must include the following:
 - a. A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characters observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line, or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the associated vegetation community (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information.
 - b. An analysis of the proposed impacts to the waterbody in accordance with General Condition 31 and Regional Condition 3;
 - c. Measures taken to avoid and minimize losses, including other methods of constructing the proposed project; and
 - d. A compensatory mitigation plan describing how the unavoidable losses are proposed to be compensated, in accordance with 33 CFR Part 332.
10. The permittee shall complete the construction of any compensatory mitigation required by special condition(s) of the NWP verification before or concurrent with commencement of construction of the authorized activity, except when specifically determined to be impracticable by the Corps. When mitigation involves use of a mitigation bank or in-lieu fee program, the permittee shall submit proof of payment to the Corps prior to commencement of construction of the authorized activity.

6. This letter of verification is valid for a period not to exceed two years unless the nationwide permit is modified, reissued, revoked, or expires before that time.
7. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition H below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
8. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Santa Ana Regional Water Quality Control Board

April 22, 2013

Shawn Ziaie
Caltrans – District 12
3347 Michelson Drive, Suite 380
Irvine, CA 92612

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE SHORECLIFF MOBILE HOME PARK 36-INCH PIPE
PROJECT, HUNTINGTON BEACH, COUNTY OF ORANGE, CALIFORNIA (ACOE
REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 302013-07)**

Dear Mr. Ziaie:

On February 26, 2013, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (“Certification”) from Caltrans – District 12, for a project in Huntington Beach, Orange County. Specifically, the project is located adjacent to the west side of Beach Boulevard (State Route 39) between Indianapolis Avenue and Mermaid Street. The purpose of the project is to accommodate runoff flows from the upstream drainage and alleviate potential flooding issues associated with potential runoff overflow from SR 39 into an adjacent mobile home community. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: Project activities include the installation of a 36-inch reinforced concrete pipe culvert in an existing v-ditch next to the Shorecliff Mobile Home Park. The existing v-ditch that is currently occupying the culvert’s proposed location will be over-excavated to facilitate installation of the 36-inch culvert pipe and accompanying proposed earthen bioswale over the newly installed culvert. Five drain inlets with 6’ x 6’ concrete aprons and curb opening inlets will be installed along the 1,801 foot length of the culvert. Activities will also include the removal of an existing asphalt/concrete berm, regarding the slope, hydroseeding and constructing a six-foot wide sidewalk adjacent to Beach Boulevard along the entire length of the project.

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

The work will take place within Section 12, Township 6 South, Range 11 West, of the U.S. Geological Survey *Orange* quadrangle map (33.661562° N/ -117.988629° W).

Receiving water: Unnamed tributary (road side drainage ditch) to Huntington Beach Channel, Talbert Channel, and the Pacific Ocean

Fill area: 0.11 acre of permanent impact to wetland habitat (1250 linear feet) and 0.06 acre of permanent to streambed habitat

Dredge/Fill volume: 850 cubic yards

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 14

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.

Offsite Water Quality Standards Mitigation Proposed:

- Compensatory mitigation will be by participation in an in-lieu fee program conducted by Inland Empire Natural Resources Conservation District and Santa Ana Watershed Association (IERCD and SAWA). The mitigation will consist of a total of 0.5 acres of removal of invasive riparian vegetation and riparian restoration on waters of the U.S. within Deer Canyon Park, at an estimated cost of \$60,000. The compensatory habitat site is located in the Anaheim Hills, south of the Santa Ana River, within the lower Santa Ana Watershed.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. 2012-0011-DWQ (NPDES Permit No. CAS000003), commonly known as the CalTrans Storm Water Permit, and subsequent iterations thereof.

On February 21, 2013, Caltrans filed a NEPA/CEQA Re-validation form. Pursuant to the California Environmental Quality Act ("CEQA"), Caltrans and the Regional Board have independently determined that the proposed project is categorically exempt from

provisions of CEQA under Guidelines Section 15301(c) for class 1 projects. The project has been determined not to have a significant effect on the environment because the project will not change the existing function of the affected drainage.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) Proposed mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits or payment of in-lieu fees shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state.
- 3) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified.
- 4) The project proponent shall utilize BMPs during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
- 5) Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 6) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 7) This Water Quality Certification 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 the 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.

- 8) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 9) Construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at www.waterboards.ca.gov/santaana/
- 10) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.
- 11) Prior to any grading for the project in areas slated to be impacted, functional assessments of these proposed areas of wetland and riparian habitats and riparian mitigation sites shall be conducted using the California Rapid Assessment Method, February 2012.
- 12) Site mitigation assessments shall be conducted from October through December, until success criteria are met for consecutive years. This information shall be reported to <http://www.californiawetlands.net/tracker/>

Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

(a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.

(b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

(c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of 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) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



for
Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

Caltrans, District 12 - Arianne Preite, Arianne_Preite@dot.ca.gov
U.S. Army Corps of Engineers, Los Angeles Office - Stephen Estes
State Water Resources Control Board, OCC - David Rice
California Department of Fish and Wildlife – Russell Barabe
State Water Resources Control Board, DWQ-Water Quality Certification Unit - Bill Orme



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region (Region 5)
Habitat Conservation Planning
3883 Ruffin Road
San Diego, CA 92123
Tel. No. (858) 467-4201/02
www.wildlife.ca.gov

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



April 25, 2013

Shawn Ziaie
California Department of Transportation
3347 Michelson Drive, Suite 280
Irvine, CA 92612

Subject: Final Streambed Alteration Agreement
Notification No. 1600-2013-0046-R5
SR-39 Shorecliff Mobile Home Park 36 inch Pipe Project

Dear Mr. Ziaie:

Enclosed is the final Streambed Alteration Agreement (Agreement) for the SR-39 Shorecliff Mobile Home Park 36 inch Pipe Project (Project). Before the California Department of Fish and Wildlife (Department) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, the Department, acting as a responsible agency, determined your project is exempt from CEQA and filed a notice of exemption (NOE) on the same date it signed the Agreement.

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

If you have any questions regarding this matter, please contact Mr. Tim Dillingham at (858) 467-4250 or tim.dillingham@wildlife.ca.gov.

Sincerely,

Marilyn Fluharty
Acting Environmental Program Manager

cc: Tim Dillingham, San Diego
Arianne Preite, Caltrans, Arianne.Preite@dot.ca.gov

Conserving California's Wildlife Since 1870

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
SOUTH COAST REGION (REGION 5)
3883 RUFFIN ROAD
SAN DIEGO, CALIFORNIA 92123



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2013-0046-R5
UNNAMED TRIBUTARY TO HUNTINGTON BEACH CHANNEL

CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 12
SHORECLIFF MOBILE HOME PARK 36 INCH PIPE PROJECT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and California Department of Transportation, District 12 (Permittee) as represented by Shawn Ziaie.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on February 26, 2013 that Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project is located at an unnamed tributary to the Huntington Beach Channel, in the County of Orange, State of California; Latitude N33.661562, Longitude W117.988629; Section 12, Township 6S, Range 11W, U.S. Geological Survey (USGS) map Newport Beach, San Bernardino Meridian; Assessors Parcel Numbers 024-25-072 and 024-25-001.

PROJECT DESCRIPTION

The project is limited to removal of 1900 feet of earthen v-ditch along State Route 39 (SR-39) adjacent to the Shorecliff Mobile Home Park in Huntington Beach, and replacement with 1900 feet of underground 36 inch reinforced concrete pipe covered by

bioswales; removal of an asphalt concrete dike, re-grading of the slope, and hydroseeding of the bioswales.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: **Plants:** narrowleaf cattail (*Typha angustifolia*), saltgrass (*Distichlis spicata*); **Reptiles:** western fence lizard (*Sceloporus occidentalis*); **Birds:** American crow (*Corvus brachyrhynchos*), black phoebe (*Sayornis nigricans*), mourning dove (*Zenaida macroura*); **Mammals:** deer mouse (*Peromyscus maniculatus*), California ground squirrel (*Spermophilus beecheyi nudipes*), Botta's pocket gopher (*Thomomys bottae*); and all other aquatic and wildlife resources

The adverse effects the project could have on the fish or wildlife resources identified above include: Permanent impacts to 0.10 acre of freshwater marsh and 0.01 acre of alkali meadow habitat.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.

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 Work Period and Time Limits. Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.1 3). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory non-game birds (as listed under the Federal MBTA). Permittee shall not remove vegetation within the stream from March 15 to August 15 to avoid impacts to nesting birds. However, Permittee may remove vegetation during this time if a designated biologist conducts a survey for nesting birds within three days prior to the vegetation removal, and ensures no nesting birds shall be impacted by the project.

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 In Lieu Fee. Permittee shall provide written evidence to CDFW, such as a letter from the Inland Empire Resource Conservation District or Santa Ana Watershed Association confirming that funding was provided to them for the purpose of restoring or enhancing 0.51 acre of wetlands and riparian habitat at Deer Park. Notification shall be sent to CDFW at 3883 Ruffin Road, San Diego CA 92123, Attn: Streambed Alteration Agreement Program #1600-2013-0046-R5.

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1 Submit Documentation, Reports, and Surveys. Permittee shall submit all required documentation, reports and surveys described above to CDFW's San Diego Fish and Wildlife office at 3883 Ruffin Road, San Diego, CA, 92123, Attn: Streambed Alteration Staff. Please note the Streambed Alteration Agreement number in the subject line.

CONTACT INFORMATION

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

To Permittee:

Shawn Ziaie, Project Engineer
3347 Michelson Drive, Suite 380
Irvine, CA 92612
Phone: (949) 756-7660
Fax: (949) 724-2591
Email: Shawn_Fazollah_Ziaie@dot.ca.gov

Cc: Arianne Preite, Arianne_Preite@dot.ca.gov

To CDFW:

Department of Fish and Wildlife
South Coast Region (R5)
3883 Ruffin Road
Attn: Lake and Streambed Alteration Program – Tim Dillingham
Notification #1600-2013-0046-R5
Phone: (858) 467-4250
Fax: (858) 467-4235
Email: tim.dillingham@wildlife.ca.gov

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

This Agreement shall expire on December 31, 2017, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

AUTHORITY

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

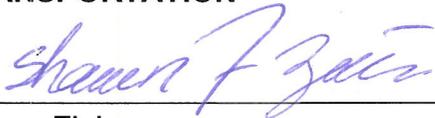
AUTHORIZATION

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

CONCURRENCE

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

**FOR CALIFORNIA DEPARTMENT OF
TRANSPORTATION**

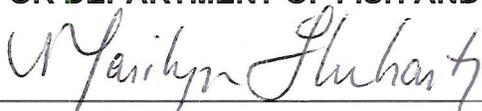


Shawn Ziaie
Project Engineer

4/22/13

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Marilyn Fluharty
Acting Environmental Program Manager

4/25/13

Date

Prepared by: Tim Dillingham
Staff Environmental Scientist



South Coast Region (Region 5)
Habitat Conservation Planning
3883 Ruffin Road
San Diego, CA 92123
Tel. No. (858) 467-4201/02
www.wildlife.ca.gov



October 1, 2013

Shawn Ziaie
California Department of Transportation
3347 Michelson Drive, Suite 100
Irvine, California 92612

Subject: Amendment of Lake or Streambed Alteration Agreement
Notification No. 1600-2013-0046-R5
SR-39 Shorecliff Mobile Home Park 36 inch Pipe Project

Dear Mr. Ziaie:

The Department of Fish and Wildlife (Department) has received your request to amend Lake or Streambed Alteration Agreement No. 1600-2013-0046-R5 (Agreement) and the required fee in the amount of \$168 for a minor amendment. Your request to amend the Agreement includes the modification of Measure 3.1 In Lieu Fee to allow the use of the Riverside-Corona Resource Conservation District (RCRCD) instead of the Inland Empire Resource Conservation District to restore 0.5 acre of wetlands and riparian habitat within the Santa Ana watershed, and to correct the amount of restoration or enhancement required from 0.51 acre to 0.50 acre of wetland or riparian habitat.

The Department hereby agrees to amend the agreement as requested. All conditions in the Agreement remain in effect.

Copies of the Agreement and this amendment must be readily available at project worksites and must be presented when requested by a Department representative or agency with inspection authority.

If you have any questions regarding this matter, please contact me at (858) 467-4250 or Tim.Dillingham@wildlife.ca.gov.

Sincerely,

Tim Dillingham
Senior Environmental Scientist (Specialist)

ec: Chris Waterston, Caltrans #12, Chris.Waterston@dot.ca.gov

M e m o r a n d u m*Flex your power!
Be energy efficient!*

To: MS. SUSAN YEE
Design of Design
District 12

Date: July 17, 2012

File: 12-ORA-39 PM 0.7/1.1
EA: 07-0M5801
E-FIS: 121200115
36" RCP

From: DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
Geotechnical Services
Office of Geotechnical Design - South 1

Subject: Ground Water Level

In response to your request, dated April 19, 2012, this memorandum is prepared to present our findings on the ground water level along the alignment of the proposed 36" Reinforced Concrete Pipe (RCP) to be installed along southbound Beach Blvd (SR 39), in the City of Huntington Beach, Orange County.

The proposed 1900 feet long RCP alignment begins at just south of Indianapolis Ave, traverses along the outside shoulder of the Southbound SR 39 and ends at about 550 feet north of Atlanta Ave.

The elevation of the proposed RCP flow line ranges from -0.15 feet at the north end near Indianapolis Avenue to -7.72 feet at the south near Atlanta Ave.

To determine the ground water level, on June 19, 2012, we drilled four boreholes, A-12-001, A-12-002, A-12-003, and A-12-004, approximately 16.5 feet deep each using a hollow-stem auger. All boreholes were located within and along Lane #3 of southbound Beach Blvd. alongside the proposed RCP, as shown in the Attached Plate 1, *Boring Locations*. Boreholes were logged based on visual observations as shown on the attached Boring Records.

Elevations of the existing ground surface at the boring locations and the depths of groundwater encountered within the boreholes during drilling are shown on the Boring Record. Groundwater monitoring wells OW-1, OW-2, OW-3, and OW-4 were installed in the completed boreholes to be able to measure depths to

stabilized ground water level for a period starting sometime after the completion of the borings.

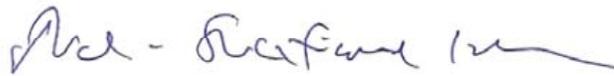
At the time of the preparation of this memorandum, ground water levels were recorded additional five times during the months of June and July. Information on the borehole locations and measured ground water levels are presented in the attached Table 1, *Ground Water Levels*.

Based on our findings, elevation of the ground water level or the water table ranges along the RCP alignment ranges from about 5.5 feet near the north end near Indianapolis Avenue to -3.6 feet near the south end north of Atlanta Ave. Groundwater level can fluctuate due to many factors, including seasonal variations in the precipitations and groundwater withdrawal etc.

We have installed electronic data loggers in the monitoring wells for additional ground water level monitoring, if needed. A few additional reading will be taken over the next few weeks. We inform you if the results are significantly different than from those presented in this memorandum.

Please let us know if you need additional information at this time or have any questions.

Sincerely,



MOHAMMED S ISLAM, PH.D., G.E.
Senior Transportation Engineer (Specialist)
Office of Geotechnical Design -South 1



Attachments

cc: John Eshan, Chief, Office of Geotechnical Design –South 1

MS. SUSAN YEE
July 17, 2012

12-ORA 39 PM 07/1.1
Project No. 121200115

ATTACHEMENTS

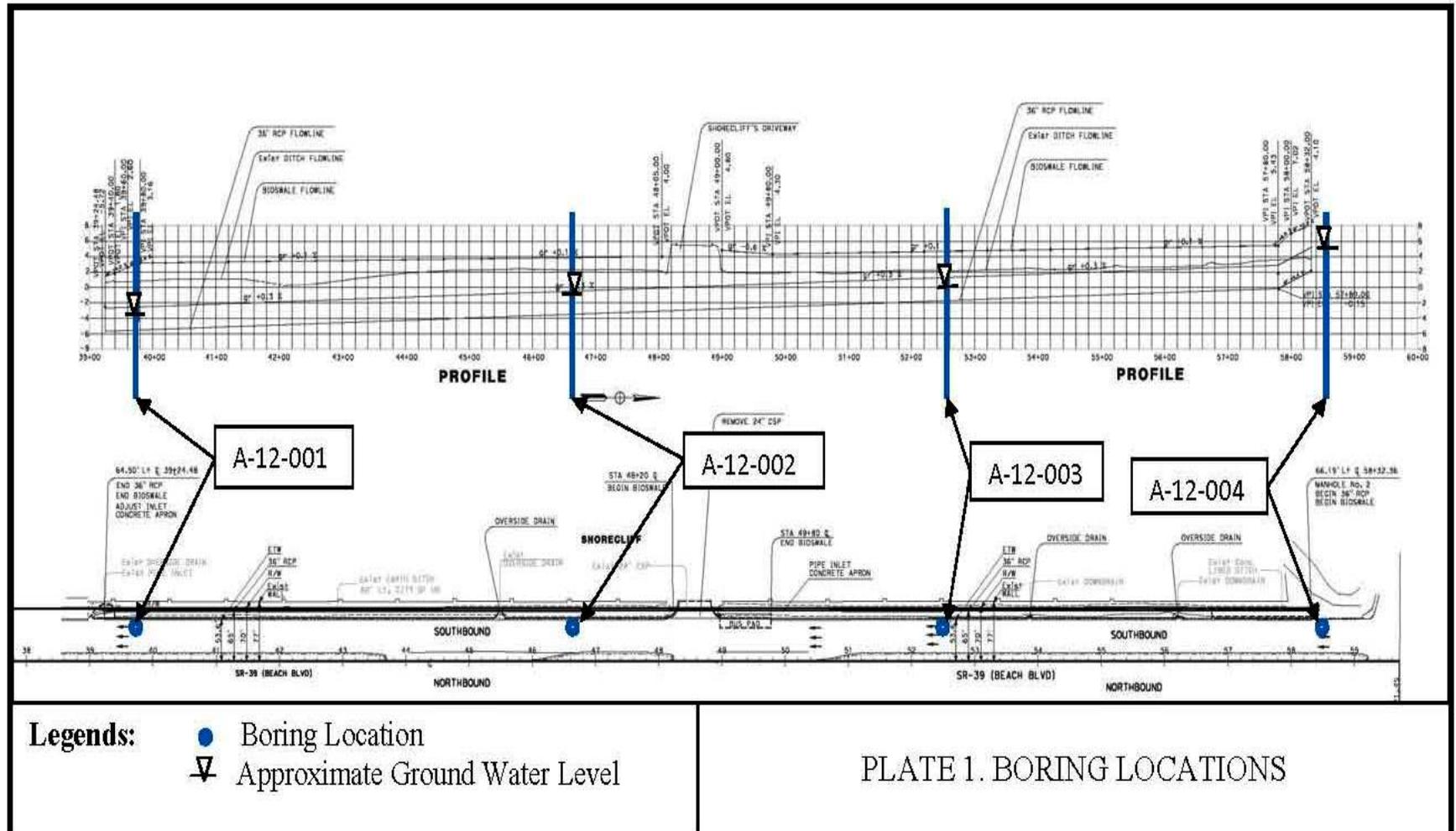


Table 1. Ground Water Levels

Well/Boring	Location			Date	Time	Ground Water Level		
	Station, (ft)	Offset, (ft)	Elevation, (ft)			Measured Depth (ft)	Measured Elevation, ft(ft)	Average Elevation (ft)
OW-1 A-12-001	39+75.598	-27.523	6.544	6/21/2012	1:30PM	9.90	-3.36	-3.6
				6/25/2012	11:30PM	10.10	-3.56	
				7/03/2012	10:30PM	10.20	-3.66	
				7/05/2012	11:54AM	10.20	-3.66	
				7/11/2012	1:01PM	10.15	-3.61	
OW-2 A-12-002	46+64.880	-28.120	6.097	6/21/2012	1:30PM	7.12	-1.02	-1.2
				6/25/2012	11:30PM	7.20	-1.10	
				7/03/2012	10:41PM	7.30	-1.20	
				7/05/2012	11:49AM	7.30	-1.20	
				7/11/2012	12:44PM	7.35	-1.25	
OW-3 A-12-003	52+57.235	-25.434	6.391	6/21/2012	1:30PM	8.80	-2.41	0.1
				6/25/2012	11:30PM	5.20	1.19	
				7/03/2012	10:36PM	5.80	0.59	
				7/05/2012	11:43AM	5.90	0.49	
				7/11/2012	12:26PM	5.88	0.52	
OW-4 A-12-004	58+54.836	-22.971	14.865	6/21/2012	1:30PM	9.30	5.57	5.5
				6/25/2012	11:30PM	9.30	5.57	
				7/03/2012	10:30PM	9.30	5.57	
				7/05/2012	11:39AM	9.30	5.57	
				7/11/2012	12:00PM	9.82	5.05	

MS. SUSAN YEE
July 17, 2012

12-ORA 39 PM 07/1.1
Project No. 121200115

BORING RECORDS

LOGGED BY M. Islam	BEGIN DATE 6-19-12	COMPLETION DATE 6-19-12	BOREHOLE LOCATION (Lat/Long or North/East and Datum) 33° 39' 34.00634" / 117° 59' 18.64302"	HOLE ID A-12-001
DRILLING CONTRACTOR Caltrans	BOREHOLE LOCATION (Offset, Station, Line) 27.523' Lt Sta 39+75.598		SURFACE ELEVATION 6.54 ft	
DRILLING METHOD Hollow-Stem Auger	DRILL RIG Mobile B47		BOREHOLE DIAMETER 8 in	
SAMPLER TYPE(S) AND SIZE(S) (ID) SPT, Modified California	SPT HAMMER TYPE Safety		HAMMER EFFICIENCY, ERI 57%	
BOREHOLE BACKFILL AND COMPLETION Installed GW Monitoring Well	GROUNDWATER DURING DRILLING READINGS	AFTER DRILLING (DATE) GW Depth =9.8 ft	TOTAL DEPTH OF BORING 16.5 ft	

ELEVATION (ft)	DEPTH (ft)	Material Graphics	DESCRIPTION	Sample Location	Sample Number	Blows per 6 in.	Blows per foot	Recovery (%)	RQD (%)	Moisture Content (%)	Dry Unit Weight (pcf)	Shear Strength (tsf)	Drilling Method	Casing Depth	Remarks
0	0		Asphalt concrete over aggregate base. [FILL].												
4.54	1		Poorly graded SAND with CLAY (SP-SC); loose; light brown; moist; mostly fine SAND; interbedded clay.												
2.54	2														
0.54	3														
	4														
	5														
	6				1	2	7								
	7				3										
	8				4										
-1.46	9		SILT (ML); loose; light brown to dark gray; moist to wet.												
	10														
	11														
	12		At EL. -5.0 ft, 6" thick layer of fine silty sand		2										
	13														
	14		Lean CLAY (CL); very soft; olive gray; wet; trace silt.												
	15														
	16				3	1	3								
	17				1										
	18				2										
	19														
	20														
	21														
	22														
	23														
	24														
	25		Bottom of borehole at 16.5 ft bgs												

CALTRANS BORING RECORD MET+ENG FIXED GWR SETTLEMENT_39.GPJ CALTRANS LIBRARY 040808.GLB 7/17/12



Department of Transportation
Division of Engineering Services
Geotechnical Services
Office of Geotechnical Design - South 1

REPORT TITLE BORING RECORD				HOLE ID A-12-001
DIST. 12	COUNTY Orange	ROUTE 39	POSTMILE 0.7/1.1	EA 12-OM5801
PROJECT OR BRIDGE NAME Route 39 Geotech Study Report				
BRIDGE NUMBER	PREPARED BY M. Islam	DATE 6-19-12	SHEET 1 of 1	

LOGGED BY M. Islam	BEGIN DATE 6-19-12	COMPLETION DATE 6-19-12	BOREHOLE LOCATION (Lat/Long or North/East and Datum) 33° 39' 40.82477" / 117° 59' 18.76514"	HOLE ID A-12-002
DRILLING CONTRACTOR Caltrans			BOREHOLE LOCATION (Offset, Station, Line) 28.12' Lt Sta 46+64.880	SURFACE ELEVATION 6.10 ft
DRILLING METHOD Hollow-Stem Auger			DRILL RIG Mobile B47	BOREHOLE DIAMETER 8 in
SAMPLER TYPE(S) AND SIZE(S) (ID) SPT, Modified California			SPT HAMMER TYPE Safety	HAMMER EFFICIENCY, ERI 57%
BOREHOLE BACKFILL AND COMPLETION Installed GW Monitoring Well			GROUNDWATER DURING DRILLING AFTER DRILLING (DATE) READINGS GW Depth =10.0 ft	TOTAL DEPTH OF BORING 16.5 ft

ELEVATION (ft)	DEPTH (ft)	Material Graphics	DESCRIPTION	Sample Location	Sample Number	Blows per 6 in.	Blows per foot	Recovery (%)	RQD (%)	Moisture Content (%)	Dry Unit Weight (pcf)	Shear Strength (tsf)	Drilling Method	Casing Depth	Remarks
0	0		Asphalt concrete over aggregate base..												
4.10	1		SILT/ SILTY CLAY (ML/CL); stiff; light gray to dark gray; moist.												
2.10	2														
	3														
	4														
	5														
0.10	6		At EL. 0.1 ft, 4" thick layer of fine sand, light brown.		1										
	7														
-1.90	8														
	9														
-3.90	10		SILTY, CLAYEY SAND (SC-SM); very loose; dark gray; wet.		2										
	11														
-5.90	12														
	13														
-7.90	14		Lean CLAY (CL); very soft; dark gray; wet; trace silt.												
	15														
-9.90	16				3	1	3								
	17		Bottom of borehole at 16.5 ft bgs			1									
	18					2									
-11.90	19														
	20														
-13.90	21														
	22														
-15.90	23														
	24														
-17.90	25														

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Department of Transportation
 Division of Engineering Services
 Geotechnical Services
 Office of Geotechnical Design - South 1

REPORT TITLE BORING RECORD				HOLE ID A-12-002
DIST. 12	COUNTY Orange	ROUTE 39	POSTMILE 0.7/1.1	EA 12-OM5801
PROJECT OR BRIDGE NAME Route 39 Geotech Study Report				
BRIDGE NUMBER	PREPARED BY M. Islam	DATE 6-19-12	SHEET 1 of 1	

LOGGED BY M. Islam	BEGIN DATE 6-19-12	COMPLETION DATE 6-19-12	BOREHOLE LOCATION (Lat/Long or North/East and Datum) 33° 39' 46.68483" / 117° 59' 18.83225"	HOLE ID A-12-003
DRILLING CONTRACTOR Caltrans			BOREHOLE LOCATION (Offset, Station, Line) 25.434' Lt Sta 52+57.235	SURFACE ELEVATION 6.39 ft
DRILLING METHOD Hollow-Stem Auger			DRILL RIG Mobile B47	BOREHOLE DIAMETER 8 in
SAMPLER TYPE(S) AND SIZE(S) (ID) SPT, Modified California			SPT HAMMER TYPE Safety	HAMMER EFFICIENCY, ERI 57%
BOREHOLE BACKFILL AND COMPLETION Installed GW Monitoring Well			GROUNDWATER DURING DRILLING AFTER DRILLING (DATE) READINGS GW Depth =7.8 ft	TOTAL DEPTH OF BORING 17.0 ft

ELEVATION (ft)	DEPTH (ft)	Material Graphics	DESCRIPTION	Sample Location	Sample Number	Blows per 6 in.	Blows per foot	Recovery (%)	RQD (%)	Moisture Content (%)	Dry Unit Weight (pcf)	Shear Strength (tsf)	Drilling Method	Casing Depth	Remarks
0	0		Asphalt concrete over aggregate base..												
4.39	1		Poorly graded SAND (SP); very loose; light gray; moist; medium to fine SAND.												
2.39	2														
0.39	3														
	4														
	5		SILT/ SILTY CLAY (ML/CL); very loose/ soft to soft; olive gray to dark gray; moist.		1			0							
	6				2										
	7														
-1.61	8				3	2	9								
	9				4	4									
	10				5	5									
-3.61	11		Lean CLAY (CL); very soft; olive gray to dark gray; wet.		4	1	1								
	12					0									
	13					1									
-5.61	14														
	15														
	16														
-9.61	17				5										
	18		Bottom of borehole at 17.0 ft bgs												
	19														
	20														
	21														
	22														
	23														
	24														
	25														

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REPORT TITLE BORING RECORD				HOLE ID A-12-003
DIST. 12	COUNTY Orange	ROUTE 39	POSTMILE 0.7/1.1	EA 12-OM5801
PROJECT OR BRIDGE NAME Route 39 Geotech Study Report				
BRIDGE NUMBER	PREPARED BY M. Islam	DATE 6-19-12	SHEET 1 of 1	

LOGGED BY M. Islam	BEGIN DATE 6-19-12	COMPLETION DATE 6-19-12	BOREHOLE LOCATION (Lat/Long or North/East and Datum) 33° 39' 52.59676" / 117° 59' 18.90287"	HOLE ID A-12-004
DRILLING CONTRACTOR Caltrans			BOREHOLE LOCATION (Offset, Station, Line) 22.971' Lt Sta 58+54.836	SURFACE ELEVATION 14.87 ft
DRILLING METHOD Hollow-Stem Auger			DRILL RIG Mobile B47	BOREHOLE DIAMETER 8 in
SAMPLER TYPE(S) AND SIZE(S) (ID) SPT, Modified California			SPT HAMMER TYPE Safety	HAMMER EFFICIENCY, ERI 57%
BOREHOLE BACKFILL AND COMPLETION Installed GW Monitoring Well			GROUNDWATER DURING DRILLING AFTER DRILLING (DATE) READINGS GW Depth =10.7 ft	TOTAL DEPTH OF BORING 16.5 ft

ELEVATION (ft)	DEPTH (ft)	Material Graphics	DESCRIPTION	Sample Location	Sample Number	Blows per 6 in.	Blows per foot	Recovery (%)	RQD (%)	Moisture Content (%)	Dry Unit Weight (pcf)	Shear Strength (tsf)	Drilling Method	Casing Depth	Remarks
0	0		Asphalt concrete over aggregate base..												
12.87	1		Poorly graded SAND (SP); medium dense; brown; dry; mostly medium to fine SAND [FILL].												
10.87	2														
8.87	5		Poorly graded SAND (SP); medium dense; olive brown; moist; mostly fine SAND.		1	5	22								
	6		At EL. 8.6 ft, 3" thick layer of clayey silt, light brown			11									
	7					11									
6.87	8														
4.87	10		SILT (ML); very loose; olive gray; wet.		2	1	1								
	11					0									
2.87	12		Lean CLAY (CL); very soft; olive gray; wet; pieces of shell.		3										
0.87	13														
-1.14	16				4	2	3								
	17		Bottom of borehole at 16.5 ft bgs			2									
	18					2									
	19					1									
	20														
	21														
	22														
	23														
	24														
	25														

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REPORT TITLE BORING RECORD				HOLE ID A-12-004
DIST. 12	COUNTY Orange	ROUTE 39	POSTMILE 0.7/1.1	EA 12-OM5801
PROJECT OR BRIDGE NAME Route 39 Geotech Study Report				
BRIDGE NUMBER	PREPARED BY M. Islam	DATE 6-19-12	SHEET 1 of 1	