



# COMMUNITY DEVELOPMENT SERVICES DEPARTMENT OF TRANSPORTATION

<http://www.edcgov.us/DOT/>

**PLACERVILLE OFFICES:**

**MAIN OFFICE:**  
2850 Fairlane Court, Placerville, CA 95667  
(530) 621-5900 / (530) 626-0387 Fax

**CONSTRUCTION & MAINTENANCE:**  
2441 Headington Road, Placerville, CA 95667  
(530) 642-4909 / (530) 642-0508 Fax

**LAKE TAHOE OFFICES:**

**ENGINEERING:**  
924 B Emerald Bay Road, South Lake Tahoe, CA 96150  
(530) 573-7900 / (530) 541-7049 Fax

**MAINTENANCE:**  
1121 Shakori Drive, South Lake Tahoe, CA 96150  
(530) 573-3180 / (530) 577-8402 Fax

**DATE:** April 2, 2018  
**TO:** All Prospective Bidders  
**SUBJECT:** **Addendum No. 1**  
**Sly Park Road at Clear Creek Crossing Bridge Replacement Project**  
**PW No. 11-30579, Project No. 77115, Contract No. 2775**

Submit proposals for this work with the understanding and full consideration of this Addendum. The revisions declared in this Addendum are essential parts of the Contract.

ITEM NO.	LOCATION, PAGE, OR DRAWING NO.	DESCRIPTION OF CHANGE
1.01	Appendix B – Environmental Permits	Bidders are instructed to <b>add</b> the attached pages AB-2 through AB-29 after page AB-1 in Appendix B of the Contract Documents.

Indicate receipt of this Addendum by filling in the number of this Addendum in the space provided on the signature page of the Proposal.

Holders who have already mailed their Proposal can contact Brian Franklin at 530-621-5311 (email: Brian.Franklin@edcgov.us) to arrange return of their Proposal.

Inform all suppliers and subcontractors as necessary.

The Community Development Services, Department of Transportation is only sending this addendum by posting on QuestCDN's website at: <https://www.questcdn.com/>. If you are not a Contract Documents holder, but request a set of documents to bid on this Project, you must comply with the requirements of this Addendum when submitting your bid.

  
Recommended by:  
Matt Smeltzer, Deputy Director  
Fairlane Engineering Unit

4/2/18  
Date

  
Approved by:  
Rafael Martinez, Director  
Department of Transportation  
Community Development Services

4/3/18  
Date

**End of Addendum No. 1**

Sly Park Road at Clear Creek Crossing Bridge Replacement Project  
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Addendum No. 1

County of El Dorado  
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Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

4. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under Section 3860(c) of the California Code of Regulations.
5. This Certification is no longer valid if the Project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.
6. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
  - (a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
  - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

7. Any person signing a document under Standard Condition number 5 shall make the following certification:

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

#### **TECHNICAL CERTIFICATION CONDITIONS:**

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.

2. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.
4. The Applicant shall perform surface water sampling:
  - a) when performing any in-water work;
  - b) during the entire duration of temporary water diversions;
  - c) in the event that Project activities result in any materials reaching surface waters; or
  - d) when any activities result in the creation of a visible plume in surface waters.

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

**Table 1: Monitoring Requirements**

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2, 4)
Settleable Material	mL/L	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2)
Visible construction related pollutants <sup>(3)</sup>	Observations	Visual Inspections	Continuous throughout the construction period	—

<sup>(1)</sup> Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.  
<sup>(2)</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.  
<sup>(3)</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.  
<sup>(4)</sup> A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the

Project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

If no sampling is required, the Applicant shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every two weeks thereafter.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:
  - a) Activities shall not cause turbidity increases in surface water to exceed:
    - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
    - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
    - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
    - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
    - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the Project.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, or other water quality objectives are exceeded.
7. Work shall occur during periods of no precipitation.
8. Activities shall not cause visible oil, grease, or foam in the receiving water.
9. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-

related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

10. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence.
11. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States.
12. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.
13. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States through the entire duration of the Project.
14. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.
15. All areas disturbed by Project activities shall be protected from washout and erosion.
16. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
17. Hydroseeding shall be performed with California native seed mix.
18. All materials resulting from the Project shall be removed from the site and disposed of properly.
19. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.
20. If water is present, the area must be dewatered prior to the start of work.
21. If temporary surface water diversions and/or dewatering are anticipated, the Applicant shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The

Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities. The Plan(s) must be consistent with this Certification and must be made available to the Central Valley Water Board staff upon request.

22. When work in a flowing stream is unavoidable and any temporary 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 beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.
23. If any temporary dam or other artificial obstruction is constructed, the temporary dam or other artificial obstruction 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. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
24. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: a) a change in the ownership of all or any portion of the Project; b) any change in the Project description; c) any change involving discharge amounts, temporary impacts, or permanent impacts; or d) amendments, modifications, revisions, extensions, or changes to the United States Army Corps of Engineers' Nationwide Permit #14, or the California Department of Fish and Wildlife Streambed Alteration Agreement.
25. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in Lake or Streambed Alteration Agreement No. 1600-2014-0079-R2.
26. The Conditions in this Certification are based on the information in the attached "Project Information Sheet" and the application package. If the actual project, as described in the attached Project Information Sheet and application package, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
27. The Applicant shall implement each of the mitigation measures specified in the approved Mitigated Negative Declaration for the Project, as they pertain to biology, hydrology and water quality impacts as required by Section 21081.6 of the Public Resource Code and Section 15097 of the California Code of Regulations.
28. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.

- (a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
- (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.

#### **NOTIFICATIONS AND REPORTS:**

- 29. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description in the Certification and in any approved amendments. The NOC shall include a map of the Project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.
- 30. The Applicant shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

#### **CENTRAL VALLEY WATER BOARD CONTACT:**

Stephanie Tadlock, Environmental Scientist  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-8114  
[Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov)  
(916) 464-4644

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

El Dorado County is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Sly Park Road at Clear Creek Crossing Bridge Rehabilitation Project pursuant to Section 21000 et seq. of the Public Resources Code. El Dorado County approved the Mitigated Negative Declaration on 14 September 2010. El Dorado County filed a Notice of Determination with the State Clearinghouse on 25 May 2012 (SCH No. 2010062020).

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Mitigated Negative Declaration is in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Mitigated Negative Declaration. The mitigation measures discussed in the Mitigated Negative Declaration to minimize project impacts to State waters are required by this Certification.

With regard to the remaining impacts identified in the Mitigated Negative Declaration, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.



**WATER QUALITY CERTIFICATION:**

I hereby issue an Order certifying that any discharge from the El Dorado County Transportation Division, Sly Park Road at Clear Creek Crossing Bridge Rehabilitation Project (WDID#5B09CR00025) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, this discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, El Dorado County Transportation Division's application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016.

Any person aggrieved by this action may petition the State Water Resources Control Board to review the action in accordance with California Water Code Section 13320 and California Code of Regulations, Title 23, Section 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control 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.

*Original Signed By Adam Laputz for:*

Pamela C. Creedon  
Executive Officer

Enclosure: Project Information Sheet

Attachments: Figure 1 – Project Location Map  
Figure 2 – Site Impacts Map

cc: Distribution List, page 14



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670-4599  
916-358-2900  
www.wildlife.ca.gov

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



**AUG 19 2016**

Date

Janet Postlewait  
County of El Dorado  
Community Development Agency  
2850 Fairlane Court  
Placerville, CA 95667

Subject: Extension of Lake or Streambed Alteration Agreement  
Notification No. 1600-2014-0079-R2  
Sly Park at Clear Creek Crossing Bridge Rehabilitation Project

Dear Ms. Postlewait:

The California Department of Fish and Wildlife (Department) received your request to extend Lake or Streambed Alteration Agreement (Agreement) and extension fee, for the above referenced agreement. The Department hereby grants your request to extend the Agreement expiration from June 17, 2018 to June 17, 2023. All other conditions in the original Agreement remain in effect.

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

If you have any questions regarding this matter, please contact Gabe Quillman at (916) 358-2955 or gabriele.quillman@wildlife.ca.gov.

Sincerely,

Tina Bartlett  
Regional Manager

ec: Gabe Quillman, Environmental Scientist

Sly Park Road at Clear Creek Crossing Bridge Replacement  
PW No. 11-30579, CIP No. 77115, Contract No. 2775  
January 30, 2018

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**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

NORTH CENTRAL REGION  
1701 NIMBUS ROAD  
RANCHO CORDOVA, CA 95670



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION No. 1600-2014-0079-R2

EL DORADO COUNTY, DIVISION OF TRANSPORTATION (EL DORADO COUNTY)  
SLY PARK ROAD AT CLEAR CREEK CROSSING BRIDGE REHABILITATION  
EL DORADO COUNTY

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and El Dorado County (Permittee) as represented by Janet Postlewait.

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on April 14, 2014, that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing 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 in Clear Creek and an unnamed ephemeral stream, tributaries to North Fork Consumnes River; El Dorado County; State of California; Section 27, Township 10N, Range 12E; U.S. Geological Survey (USGS) quad map Camino, Mt. Diablo Meridian.

**PROJECT DESCRIPTION**

The project is limited to the demolition and removal of the existing bridge structure; construction of new bridge foundations, abutments, retaining structures, deck and guardrails; tree removal; site clearing, preparation and earthwork; widening and realignment of a segment of Sly Park Road; applying pavement overlay and conforming a segment of Clear Creek Road to match the new grade; restoration of existing

Sly Park Road at Clear Creek Crossing Bridge Replacement  
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driveways; installation of culverts and drainage structures; and re-vegetation of disturbed areas.

The purpose of the project is to improve traffic safety conditions and replace the outdated bridge. The new bridge will replace the existing two-lane, single span 20' long by 20' wide structure with a new concrete bridge 45' long by 52' wide, providing three 12' lanes and two 8' shoulders with guardrails. The new bridge abutments will extend to a depth of 8' to 10' below the existing roadway and pile-driving may be necessary to support the temporary shoring structure while the abutments and decking are installed. Excavation of an estimated 600 cubic yards of material will be removed from the upper banks of the creek outside of the existing channel to install the abutments.

If water is present within the creek during project activity, the water will be temporarily diverted around the new bridge footing and abutment with an upstream bladder or coffer dam connected to a gravity fed pipe that will by-pass water to the creek bed below.

Approximately 900' of Sly Park Road will be reconstructed to raise the existing roadway to match the new elevation of the bridge and widen the road to provide two 12' wide lanes with one 12' wide turning lane and two 8' wide road shoulders. Clear Creek Road will receive approximately 80' of new pavement overlay and the road grade will be adjusted to conform to the new Sly Park Road grade. Driveway entrances will also be adjusted to match the new grade.

## **PROJECT IMPACTS**

Existing fish or wildlife resources the project could substantially adversely affect include: nesting birds and aquatic or terrestrial plant and wildlife species.

The adverse effects the project could have on the fish or wildlife resources identified above include: disruption to nesting birds, disruption to aquatic or terrestrial plant and wildlife species, increase in sediment or turbidity, change in contour of channel or bank, soil compaction or other disturbance.

## **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.
- 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 CDFW as outlined in Fish and Game Code Section 2081 and shall obtain the required state and federal threatened and endangered species permits.
- 1.6 **Take of Nesting Birds.** Sections 3503, 3503.5, and 3513 of the FGC prohibit the take of all birds and their active nests, including raptors and other migratory non-game birds (as listed under the federal Migratory Bird Treaty Act).

## **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.** Work shall occur between April 1<sup>st</sup> and November 1<sup>st</sup> in the years this Agreement is valid.
- 2.2 **Biological Resources.** All measures listed to protect fish, wildlife and plant resources in Exhibit A, Attachment 2, Summary of Impacts and Mitigation Measures, pages 1-8, shall be implemented.
- 2.3 **Vegetation Removal.** Except as otherwise listed in the Notification and project description section of this Agreement, disturbance or removal of vegetation shall not occur without prior consultation and approval of a CDFW representative. Cut vegetation shall be placed out of the riparian/creek channel and dispersed in an upland location or hauled off-site.
- 2.4 **Nesting Birds.** To avoid impacts to nesting birds, both ground and canopy nesters, construction activities shall not take place during the active nesting season (February 1 through August 31). If avoidance of the active nesting

season is not feasible, construction activities may occur only if focused surveys for active bird nests are conducted by a biologist with experience in nesting bird survey protocol. The biologist shall be approved by CDFW prior to implementing surveys. The survey shall be conducted within a minimum 500' radius of project activities. If no active nests are found during the survey, no further consultation is required.

If the survey identifies an active nest, the biologist shall prepare and submit to CDFW a Bird Management and Monitoring Plan (Plan) which includes survey results and establishes the necessary buffers to avoid take of a nest pursuant to FGC 3503 and 3503.5. The results of the survey shall include the following information: name of biologist(s) conducting surveys, dates of survey, total field time of survey efforts, map of survey routes, and the type of species nesting. The Plan design shall be based upon site conditions, project activities, and species present or likely to be present during all construction activities.

For active nests, a buffer shall be established between the construction activities and the active nest so that nesting activities are not interrupted. The buffer shall be delineated by temporary fencing or orange markers, and shall be in effect throughout construction or until the nest is no longer active. The buffer(s) shall be determined based upon the life history of the individual species, including their sensitivity to noise, vibration, ambient levels of human activity and general disturbance, the current site conditions (screening vegetation, terrain, etc.) and the various project-related activities necessary to implement the project.

If a lapse in project-related work of 15 days or longer occurs, another focused survey and consultation with the CDFW shall be required before project work can be reinitiated.

- 2.5 Construction Site Delineation. All vehicle/equipment staging and work areas shall be defined by orange markers (fencing, flagging, etc.) at the limits (beginning and end) of the project description boundary, including any vegetation to be trimmed or removed. All personnel, vehicles and equipment must remain within the defined work areas.
- 2.6 Water By-pass/Diversion. When work in a flowing stream is unavoidable, Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes. Permittee shall use only clean non erodible materials, such as clean fill sand bags or plastic bladder dams, in the construction of any water diversion device. Permittee shall divert flow in a manner that prevents turbidity, siltation, or pollution and provides flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be sufficient quality and quantity, and of appropriate temperature to

support fish and other aquatic life both above and below the diversion. Normal flow shall be restored to the affected stream immediately upon completion of work at that location.

- 2.7 Pollution Control. Permittee shall implement pollution control 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 upland 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 work 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. Permittee shall monitor and maintain all Pollution Control BMPs. CDFW shall be notified immediately by the Permittee of any spills and shall be consulted regarding clean-up procedures. All vehicles and equipment shall be removed from the site upon completion of work activities.
- 2.8 Erosion and Sediment Control. Permittee shall implement appropriate BMPs to minimize erosion and sediment throughout all phases of the project where sediment and/or earthen fill threaten to enter the waterways. Erosion and sediment control BMPs shall be monitored for effectiveness and shall be repaired or replaced as needed. Permittee shall stabilize all exposed/disturbed areas within the project area to the greatest extent possible prior to the onset of precipitation capable of generating run-off and upon completion of construction activities. (The use of plastic or monofilament erosion blankets is prohibited).
- All vegetative erosion control measures utilized within the project site shall be free of nonnative plant materials and/or invasive species. Permittee shall conduct project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from the project site and/or waterway to another. Prevention BMPs and guidelines for invasive species can be found on the California Invasive Plant Council's website at: <http://www.cal-ipc.org/ip/prevention/index.php> and the Stop Aquatic Hitchhikers website: <http://www.protectyourwaters.net/>.
- 2.9 Site Restoration/Stabilization. All measures listed to restore and stabilize the project work area in Exhibit A, Attachment 2, Summary of Impacts and mitigation Measures, page 6, shall be implemented.

### 3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 Permittee shall notify CDFW within two working days of beginning work. Notification shall be submitted as instructed in the Contact Information section below. Email notification is preferred.
- 3.2 Within 30 days of completion of the project activities described in this Agreement, Permittee shall submit photos, notification of project completion and any other project related reports to CDFW as instructed in the Contact Information section below. Email submittal is preferred.

### 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:

Janet Postlewait  
El Dorado County, Division of Transportation  
2850 Fair Lane  
Placerville, CA 95667  
[Janet.postlewait@edcgov.us](mailto:Janet.postlewait@edcgov.us)  
530-621-5993  
Cc: Steven Pedretti, CDA Director  
[Steven.Pedretti@edgov.us](mailto:Steven.Pedretti@edgov.us)

To CDFW:

California Department of Fish and Wildlife  
North Central Region  
1701 Nimbus Road  
Rancho Cordova, CA 95670  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2014-0079-R2  
Fax: 916-358-2912  
[R2LSA@wildlife.ca.gov](mailto: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 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 (Fish & G. Code, § 1605, subd. (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](http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html).

## **TERM**

This Agreement shall expire four years from the date signed by CDFW, 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.

## **EXHIBITS**

The document(s) listed below are included as exhibits to the Agreement and incorporated herein by reference.

- A. Exhibit A: Attachment 2, Summary of Impacts and Mitigation Measures, pages 1-8.

**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 EL DORADO COUNTY**

  
\_\_\_\_\_  
Steven Pedretti, Community Development Agency  
Director

6/12/14  
\_\_\_\_\_  
Date

**FOR CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

  
\_\_\_\_\_  
Tina Bartlett  
Regional Manager

6/17/14  
\_\_\_\_\_  
Date

Prepared by: JB Garcia, Senior Environmental Scientist (Specialist)

Exhibit A

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**Attachment 2**  
**Summary of Impacts and Mitigation Measures**

## Summary of Impacts

El Dorado County Community Development Agency, Division of Transportation (formerly Department of Transportation) (County) prepared an Initial Study to evaluate impacts of the proposed project in accordance with the California Environmental Quality Act. This discussion summarizes the analysis contained in the Initial Study/Mitigated Negative Declaration (IS/MND) and provides additional analysis to meet permitting requirements. Additionally, Caltrans completed a review of the Project under the National Environmental Policy Act (NEPA) and approved a Categorical Exclusion in July of 2011.

### Habitats

The project would result in ground disturbance of approximately 2.1 acres of habitat which includes urban (existing roadways, disturbed areas, and roadside ditches), oak woodland, grassland, valley foothill riparian, and riverine. NSR conducted surveys in support of the Natural Environment Study (NES) to characterize habitats and tree species within the project area, assess the potential for special-status species to occur, and conduct an impact analysis. A copy of the NES report is provided as Attachment 6.

Table 1 depicts the estimated impacts to each habitat type in the project area. Within the oak woodlands and riparian habitat, many trees would need to be removed to accommodate the new bridge and road improvements and several other trees may need to be removed depending on the extent of impacts to their root zones. For trees located on the margins of proposed excavations and where some degree of impacts are expected, the decision to remove individual trees would be based on the severity of root damage and/or the structural stability of the tree based on input from a certified arborist. Table 2 identifies the species of trees that would be affected and the maximum number of trees that would be removed by the Project.

Oak trees that are intended to remain undisturbed would be protected with highly visible fencing installed as far outside the edge of the tree driplines as feasible. No encroachment into the fenced areas will be allowed, and fencing will remain in place until all construction activities have ceased. Any trees beyond construction grading will be retained if possible. To help protect these trees, any root that must be severed will be cut at the maximum distance from the trunk as is practicable. Any roots over 1 inch in diameter that are damaged as a result of construction activities will be traced back and cleanly cut behind any split, cracked, or damaged area per Mitigation Measure BR-5 of the IS/MND (described below).

**Table 1. Habitat Impacts**

Habitat Type	Acres of Impacts
Urban (roadways and disturbed areas)	1.60
Oak Woodland	0.14
Annual Grassland	0.20
Valley Foothill Riparian	0.15
Riverine	<0.01
<b>Total</b>	<b>2.10</b>

**Table 2. Tree Impacts**

Tree Species	Maximum Number of Individuals Affected
Valley Oak ( <i>Quercus lobata</i> )	29
White Alder ( <i>Alnus rhombifolia</i> )	12
*Other* (ornamental species such as spruce, apple, fir, and pine)	29
<b>Total</b>	<b>40</b>

**Waters of the United States**

NSR delineated two types of waters of the United States in the project area: Clear Creek a perennial stream (0.056 acre, 245 linear feet) and an ephemeral stream (0.044 acre, 460 linear feet). Hydrology in the project area is driven primarily by precipitation and roadway runoff. Clear Creek flows southwest as it passes under Clear Creek bridge through the project area. An unnamed ephemeral tributary to Clear Creek parallels the south shoulder of Sly Park Road and conveys stormwater runoff to Clear Creek. Clear Creek flows into the North Fork of the Cosumnes River, approximately 2 miles downstream (southwest) of the project area. A copy of the delineation of waters of the United States report is provided as Attachment 7.

The Project would result in the placement of fill material into approximately 0.032 acre of waters of the United States. The majority of fill would be associated with the re-contouring and re-creation of driveway entrances along the ephemeral drainage on the south side of Sly Park Road (approximately 0.03 acre). The function of the ephemeral drainage within the area of potential ground disturbance will be maintained after construction by creating a new drainage system, consisting of roadside ditches and culverts, that conveys flow to the creek. The drainage system designs are included in Attachment 5. Fill material within Clear Creek would be limited to the temporary diversion dam installed across the creek to divert flows around the work area for the bridge (approximately 0.002 acre) and some minor incidental fill associated with slope protection along portions of the banks near the abutments. Mitigation measures were identified in the Initial Study/Mitigated Negative Declaration to reduce water quality impacts on waters of the United States (described below). See Figure 2 at the end of this section for a depiction of the anticipated impacts to waters of the United States.

**Federally Listed Species**

NSR conducted an investigation of potential biological resources as part of the NES analysis (Attachment 6) and conducted California red-legged frog (*Rana aurora draytonii*) protocol-level surveys and a habitat assessment (Appendix C of Attachment 6). The California red-legged frog is federally listed as threatened and is a State species of special concern. It may use Clear Creek (perennial stream) in the project area as non-breeding aquatic habitat during the wet season and may use the creek as a movement corridor through the project area in search of breeding habitat nearby, such as at ponds within 1 mile of the project area. Critical habitat for the frog has not been designated in or near the project area. The nearest recorded occurrences of red-legged frogs is 5 miles to the northeast of the project area.

Because of impacts to Clear Creek, construction activities could affect California red-legged frogs, if present, during the construction period. However, the potential for the red-legged frog to be present in the project area during construction is extremely low, and the potential for take of the frog as a result of the proposed project is also extremely low. Mitigation measures would be implemented during construction to prevent impacts on frogs found in the project area and to minimize impacts on water quality and downstream waterways (described below). The U.S. Fish and Wildlife Service (USFWS) concurred with the proposed conservation measures and Caltrans' determination that the measures would ensure that the Project may affect, but is not likely to adversely affect the California red-legged frog (see Attachment 6).

The project would not affect breeding habitat or breeding frogs, and no other activities are proposed near the project area that could result in cumulative or indirect effects on the frog at the same time the proposed project is being constructed.

#### **Other Special-Status Species**

The biological analysis conducted as part of the NES (Attachment 6) identified one other special-status animal species, foothill yellow-legged frog (*Rana boylei*), a state species of special concern, that could use the perennial stream habitat in the project area and may be affected by the proposed project. Project impacts on foothill yellow-legged frog would be similar to those described for the California red-legged frog. Avoidance and minimization efforts discussed for the red-legged frog would reduce adverse impacts on foothill yellow-legged frogs because of the species' similar habitat requirements. If foothill yellow-legged frogs are encountered in the project area during pre-construction surveys, a qualified biologist would relocate the individual(s) to a safe location outside of project impacts. Worker awareness training will also include identification information for the yellow-legged frog.

Additionally, migratory birds protected under the Migratory Bird Treaty Act may be present within the project area and could be affected by the proposed project. Construction activities could disturb breeding and nesting birds, if activities take place during the breeding and nesting season, which could result in the incidental loss of nests, eggs, or young. Removal of trees could also remove active nests of migratory birds, and ground-disturbing activities in the grasslands could disturb ground nesting birds. Activities outside the nesting period could affect foraging birds from increased noise, construction equipment use, and human activity, although these effects would be less substantial because of the existing uses of the project area and regular disturbance from human activity and traffic. To protect the migratory birds that may be present in the project area during construction, mitigation measures would be implemented during construction activities (described below).

#### **Historic Properties**

NSR conducted an archaeological investigation for the proposed project, which included an archaeological survey, sensitivity assessment, and photo-documentation of an abandoned road segment. During the initial reconnaissance-level cultural resources survey of the project area, three isolated 19th century artifacts were discovered outside of the area of potential ground disturbance, indicating potentially buried resources in the area (NSR 2009a). Archived records, historical documents, and prior investigations of the area indicated six historic use locations in the vicinity of the project area, some of which were associated with a significant archaeological theme of the area (Chinese family labor camp). An old alignment of (what is now) Clear Creek Road crosses through the area of potential ground disturbance, but none of the other previously recorded archaeological sites occur within the area of



potential ground disturbance (NSR 2009c). The presumed early road segment has been re-graded and otherwise disturbed and no longer maintains integrity; thus, it is not considered a significant resource. No built structures occur in the project area, other than the existing Clear Creek bridge. The bridge (25C-047) was built in 1936 and has previously been determined to be ineligible for the National Register of Historic Places (Caltrans 2008). A copy of the archaeological survey report is provided under separate cover to the Corps for its files.

No historic properties would be affected by the proposed project. Ground-disturbing activities could potentially result in the unanticipated discovery of buried or otherwise obscured cultural deposits or human remains based on the sensitivity of the project area. El Dorado County's standard construction plans and specifications [based on state Department of Transportation (Caltrans) Standard Specifications and Standard Special Provisions] provide that if potential cultural materials or human remains are encountered during the course of any ground-disturbing activities, work in the immediate area of the find shall cease immediately and the County will be contacted. The provisions further stipulate that work will not resume until the materials are evaluated by a qualified archaeologist or County coroner. These standard provisions are aimed at ensuring compliance with the relevant laws and regulations (i.e., Public Resources Code sections 5097.5, 5097.98, and 5097.99; 14 California Code of Regulations, section 4308; Penal Code section 622-1/2; and Health and Safety Code section 7050.5) and at avoiding adverse effects associated with unanticipated discoveries.

### Mitigation Measures

The IS/MND prepared by the County identified several mitigation measures that would be necessary to reduce potentially significant impacts to less-than-significant levels under CEQA, as identified below. The USFWS concurred with the biological measures in its letter to Caltrans on September 4, 2010 (see Attachment 6). These mitigation measures are listed below.

*Mitigation Measure BR-1: Conduct pre-construction surveys for California red-legged frog and Foothill yellow-legged frog and implement construction measures to reduce impacts.*

The County will implement the following measures to avoid or minimize Project-related impacts on California red-legged frog; these measures will also protect Foothill yellow-legged frog:

- The County shall retain a qualified biologist familiar with California red-legged frog biology and habitat requirements to implement mitigation measures for the Project. The County shall submit the name and credentials of the biologist(s) to the USFWS for review and approval at least 15 days prior to the onset of construction activities.
- A USFWS-approved biologist shall conduct a California red-legged frog survey of the BSA within 24 hours before the onset of vegetation removal. If any life stage of the California red-legged frog is found, and these individuals are likely to be killed or injured by work activities, the approved biologist shall consult with the USFWS to identify appropriate measures, beyond those identified in this document, for avoidance or protection of the individual(s).
- The biologist shall also survey for foothill yellow-legged frog during the California red-legged frog surveys. If foothill yellow-legged frogs are encountered in the BSA during pre-

construction surveys or during construction, a qualified biologist shall relocate the individual(s) the shortest distance possible to a location that contains suitable habitat and will not be affected by activities associated with the Project.

- Environmental awareness training shall be conducted prior to onset of Project work for construction personnel to brief them on how to recognize California red-legged frogs. Construction personnel shall also be informed that if a red-legged frog is encountered in the work area, construction must stop, and the Project biologist will be contacted immediately to provide further guidance from USFWS.
- Training and other protections measures shall incorporate foothill yellow-legged frog habitat requirements and identification.
- Clear Creek and the adjacent riparian habitat outside the work area shall be staked, flagged, or signed to avoid encroachment by equipment and construction crews. The number of access routes, size of the staging area, and the total area of impact shall be limited to the minimum necessary to achieve the Project goal. This goal includes locating access routes and construction areas outside of the creek and riparian areas to the maximum extent practicable. The flagged areas will confine access routes and construction areas to the minimum area necessary to complete construction and minimize the impact on potential frog habitat.
- All initial vegetation to be removed within the project area will be manually clipped to ground level and removed by hand. This activity must be conducted in the presence of a USFWS-approved biologist who will monitor the area for California red-legged frogs.
- Following manual removal of vegetation, the work area will be fenced to prevent animals from entering the Project site. The animal exclusion fencing shall be similar to sediment fencing or be made of a material that does not allow frogs to pass through; plastic monofilament netting should not be used to prevent entanglement of individuals. The fencing shall be constructed around a defined work area around the stream, connecting to the bladder dam upstream and the pipeline outlet downstream and extending at least 100 feet from the stream in the upland areas. The fencing shall be buried a minimum of six inches into the ground. Animal exclusion fencing shall be checked once per week by construction personnel, trained by a USFWS-approved biologist to identify weaknesses, and all compromised portions shall be repaired or replaced immediately. Animal exclusion fencing shall be removed once construction is completed or by October 15 of the construction year, whichever comes first.
- If red-legged frogs are found at any time during Project work, construction will stop and the Project biologist will be contacted immediately to provide further guidance from USFWS.
- All refueling and maintenance of equipment and vehicles shall occur at least 50 feet from riparian habitat or water bodies and shall not occur at a location where a spill would drain directly toward the creek. Prior to the onset of work, the County shall ensure that a spill prevention and clean-up plan is in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

- Appropriate BMPs to protect water quality and control erosion shall be implemented.
- During construction activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.
- Work areas that are temporarily disturbed shall be revegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. This measure shall be implemented in all areas disturbed by activities associated with the Project, unless the County determines that it is not feasible or practical. (For example, an area disturbed by construction that would be used for future activities need not be revegetated.)
- Upon completion of construction activities, any diversions or barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the streambed shall be minimized to the maximum extent possible.

*Mitigation Measure BR-2: Conduct pre-construction surveys for nesting birds and establish construction-free buffer zones around active nest sites.*

The County will implement the following measures to minimize or avoid Project-related effects on nesting migratory birds:

- The removal of trees will be conducted during the non-breeding season for native birds (September 1st through March 1st). This will help preclude nesting and substantially decrease the likelihood of direct impacts.
- If construction activities cannot avoid the breeding season for native birds, the County will retain a qualified biologist to conduct a pre-construction survey of oak woodland and riparian habitat suitable for nesting birds, including trees suitable for nesting raptors, within the project area and within 350 feet of the project area boundary. The pre-construction survey will be performed between February 15th and August 15th, but no more than 14 days prior to the implementation of construction activities.
- If active nests are found during the pre-construction survey, the County will coordinate with California Department of Fish and Wildlife on additional protection measures, such as the establishment of a buffer around the nest tree. No construction activity will be conducted within this zone during the nesting season (typically March to August) or until such time that a qualified biologist determines the nest is no longer active. The construction-free buffer zone will be marked with flagging, stakes, or other means to mark the boundary. All construction personnel will be notified of the existence of the buffer zone and will not enter the area during the nesting season.

*Mitigation Measure BR-3: Comply with terms of a Streambed Alteration Agreement, if required by California Department of Fish and Game.*

The County will submit an application for a Streambed Alteration Agreement to the California Department of Fish and Wildlife at least 30 days prior to construction activities. The application will

include descriptions of BMPs that the County will implement during Project construction activities and identify the methods that will be implemented to minimize adverse impacts on the creek and downstream aquatic habitat. Measures identified under Mitigation Measure BR-1 for red-legged frog and yellow-legged frog will also minimize impacts on aquatic habitat. Project construction in or adjacent to the creek during the summer, low-flow months will also minimize impacts on aquatic habitat. Additional measures may be identified in a Streambed Alteration Agreement, and the County will be required to comply with the final agreement.

*Mitigation Measure BR-4: Comply with terms of Nationwide Permit 14.*

The County will submit a pre-construction notification to the U.S. Army Corps of Engineers to confirm coverage under Nationwide Permit 14. The preconstruction notification should be submitted at least 3 months prior to construction with the preliminary waters of the United States delineation, which should also be verified. A request for water quality certification should be simultaneously submitted to the Central Valley Regional Water Quality Control Board. The County will be required to comply with applicable terms and conditions of Nationwide Permit 14 and additional conditions that may be imposed by the Corps.

*Mitigation Measure BR-5: Implement measures during construction to avoid or minimize impacts to retained oak trees adjacent to the area of direct impact.*

The County will implement the following measures to protect oak trees retained adjacent to the ADI:

- To protect oak trees that are intended to remain undisturbed an environmentally sensitive area fence will be installed as far outside the edge of the tree driplines as feasible. No encroachment into the fenced areas will be allowed, and fencing will remain in place until all construction activities have ceased. Upon completion of construction activities, the fencing will be removed.
- If a retained tree has roots that must be severed, the cuts will occur at the maximum distance from the trunk as is practicable. Any roots over 1 inch in diameter that are damaged as a result of construction activities will be traced back and cleanly cut behind any split, cracked, or damaged area.
- Stockpiling of materials or equipment will not occur under the dripline of any retained oak tree.

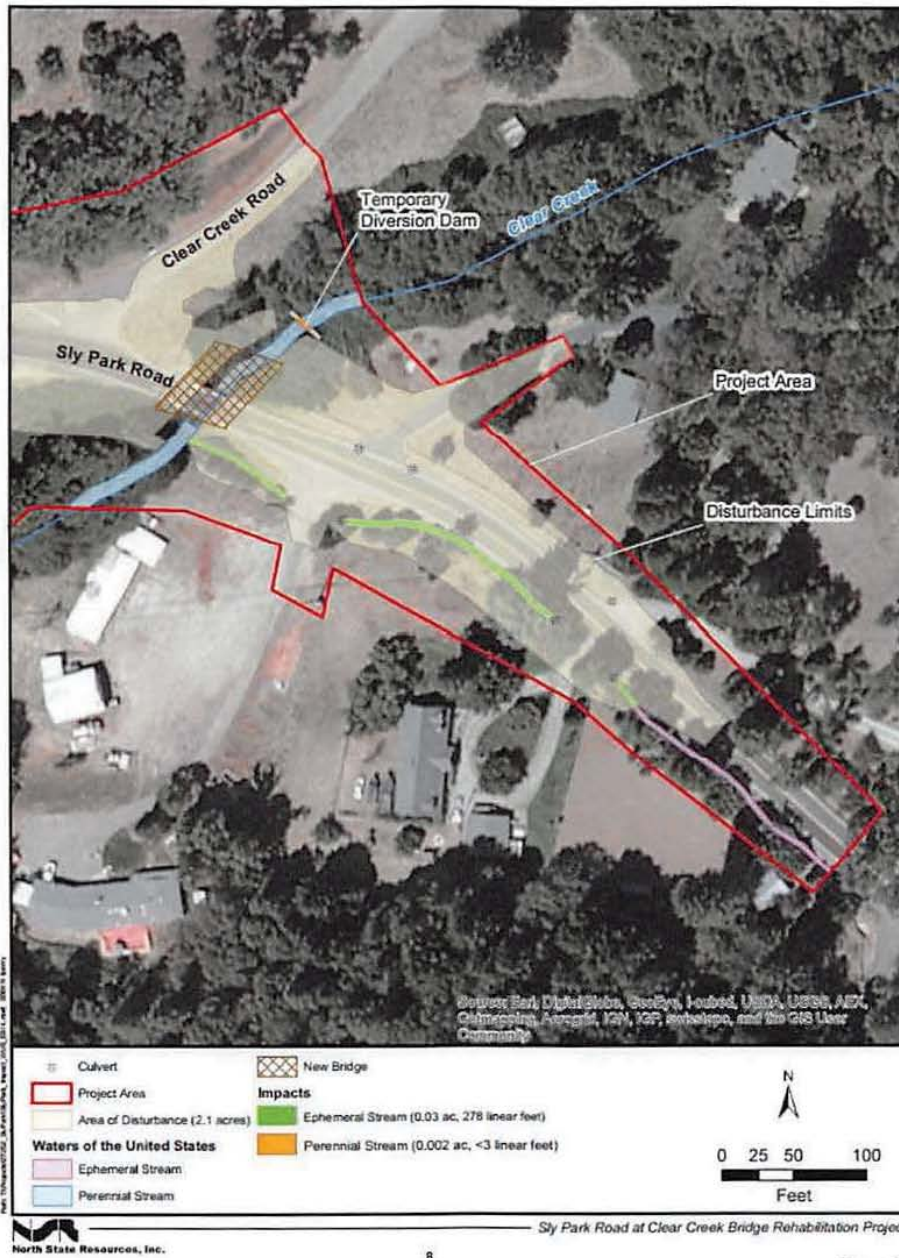


Figure 2  
 Impacts to Waters of the United States