

FOR CONTRACT NO.: 02-2C2244

INFORMATION HANDOUT

WATER QUALITY

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

NPDES PERMIT NO. CAS 000003

PERMITS

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

AGREEMENTS

**CALIFORNIA DEPARTMENT OF FISH AND GAME
NOTIFICATION NO. 1600-2010-0161-R2**

ROUTE: 02-Plu-89, PM 7.8/8.6



California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair

415 Knollcrest Drive, Suite 100, Redding, California 96002
(530) 224-4845 • Fax (530) 224-4857



Linda S. Adams
Acting Secretary for
Environmental
Protection

Edmund G. Brown Jr.
Governor

1 February 2011

Mr. Eric Orr
California Department of Transportation, District 2
P.O. Box 496073
Redding, CA 96049-6073

CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS FOR THE MIDDLE FORK FEATHER RIVER SCOUR RETROFIT PROJECT (WDID#5A32CR0081), GRAEAGLE, PLUMAS COUNTY

ACTION:

1. Order for Standard Certification
2. Order for Technically-conditioned Certification
3. Order for Denial of Certification

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required under 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
4. Certification is valid for the duration of the described project. Caltrans shall notify the Central Valley Water Board in writing within 7 days of project completion.

ADDITIONAL TECHNICALLY CONDITIONED CERTIFICATION CONDITIONS:

In addition to the four standard conditions, Caltrans shall satisfy the following:

1. Caltrans shall notify the Central Valley Water Board in writing 7 days in advance of the start of any in-water activities.
2. Except for activities permitted by the U.S. Army Corps under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. All areas disturbed by project activities shall be protected from washout or erosion.
4. Caltrans shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed project shall be adequately informed and trained regarding the conditions of this Certification.
5. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working during all phases of construction.
6. All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities.
7. Caltrans shall perform surface water sampling: 1) When performing any in-water work; 2) In the event that project activities result in any materials reaching surface waters or; 3) When any activities result in the creation of a visible plume in surface waters. The following monitoring shall be conducted immediately upstream out of the influence of the project and 300 feet downstream of the active work area. Sampling results shall be submitted to this office within two weeks of initiation of sampling and every two weeks thereafter. The sampling frequency may be modified for certain projects with written permission from the Central Valley Water Board.

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

8. Activities shall not cause turbidity increases in surface water to exceed:
 - (a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
 - (b) where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - (c) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - (d) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - (e) where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be assessed by prior permission of the Central Valley Water Board.

9. Activities shall not cause settleable matter to exceed 0.1 ml/l in surface waters as measured in surface waters 300 feet downstream from the project.
10. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream. Caltrans shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
11. Caltrans shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded.
12. Caltrans shall comply with all Department of Fish and Game 1600 requirements for the project.
13. The California Department of Transportation shall comply with their General NPDES Permit Order No 99-06-DWQ (NPDES No. CAS 000003) issued by the State Water Resources Control Board.
14. The Conditions in this water quality certification are based on the information in the attached "Project Information." If the information in the attached Project Information is modified or the project changes, this water quality certification is no longer valid until amended by the Central Valley Water Board.
15. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law and section 401 (d) of the federal Clean Water Act. The applicability of any State law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance into this Order.

- a. If Caltrans or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Order, or falsifies any information provided in the monitoring reports, the applicant is subject to civil monetary liabilities for each day of violation, or criminal liability.
- b. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require Caltrans 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. Caltrans shall allow the staff(s) of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this certification and determining the ecological success of the project.

ADDITIONAL STORM WATER QUALITY CONDITIONS:

Caltrans shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, Caltrans must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - (a) the Storm Water Pollution Prevention Plan (SWPPP) must be prepared during the project planning and design phases and before construction;
 - (b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
2. Caltrans must minimize the short and long-term impacts on receiving water quality from the Middle Fork Feather River Scour Retrofit Project by implementing the following post-construction storm water management practices:
 - (a) minimize the amount of impervious surface;
 - (b) reduce peak runoff flows;
 - (c) provide treatment BMPs to reduce pollutants in runoff;
 - (d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - (e) preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - (g) use existing drainage master plans or studies to estimate increases in pollutant loads and flows resulting from projected future development and require incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;

- (h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss;
 - (i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
3. Caltrans must ensure that all development within the project provides verification of maintenance provisions for post-construction structural and treatment control BMPs. Verification shall include one or more of the following, as applicable:
- (a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
 - (b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
 - (c) written text in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
 - (d) any other legally enforceable agreement that assigns responsibility for storm water BMP maintenance.
4. Staff of the Central Valley Water Board has prepared total maximum daily load (TMDL) allocations that, once approved, would limit methylmercury in storm water discharges to the Sacramento-San Joaquin Delta. The Central Valley Water Board has scheduled these proposed allocations to be considered for adoption. When the Central Valley Water Board adopts the TMDL and once approved by the Environmental Protection Agency, the discharge of methylmercury may be limited from the proposed project. The purpose of this condition is to provide notice to Caltrans that methylmercury discharge limitations and monitoring requirements may apply to this project in the future and also to provide notice of the Central Valley Water Board's TMDL process and that elements of the planned construction may be subject to a TMDL allocation.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Scott A. Zaitz, R.E.H.S., Redding Branch Office, 415 Knollcrest Drive, Suite 100, Redding, California 96002, szaitz@waterboards.ca.gov, (530) 224-4784

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from Caltrans, Middle Fork Feather River Scour Retrofit Project (WDID# 5A32CR00081) will comply with the applicable provisions of §301 ("Effluent Limitations"), §302 ("Water Quality Related Effluent Limitations"), §303 ("Water Quality Standards and Implementation Plans"), §306 ("National Standards of Performance"), and §307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with Caltrans's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



(for) Pamela C. Creedon
Executive Officer

SAZ: knr

Enclosure: Project Information

cc: Mr. Matt Kelley, U.S. Army Corp of Engineers, Redding
U.S. Fish and Wildlife Service, Sacramento
Department of Fish and Game, Region 2, Rancho Cordova
Mr. Bill Jennings, CALSPA, Stockton

cc by email: Mr. Dave Smith, U.S. EPA, Region 9, San Francisco
Mr. Bill Orme, SWRCB, Certification Unit, Sacramento

PROJECT INFORMATION

Application Date: 30 September 2010

Applicant: Caltrans, Attn: Mr. Eric Orr

Applicant Representatives: Not Applicable

Project Name: Middle Fork Feather River Scour Retrofit Project

Application Number: WDID No. 5A32CR00081

U.S. Army Corps File Number: Nationwide Permit No. 14 (Linear Transportation Projects)

Type of Project: Middle Fork Feather River Bridge Scour Retrofit Project

Project Location: Sections 10 & 15, Township 22 North, Range 12 East, MDB&M.
Latitude: 39°46'41" and Longitude: -121°37'18"

County: Plumas County

Receiving Water(s) (hydrologic unit): Middle Fork of the Feather River, which is tributary to Sacramento River. Feather River Hydrologic Unit-Sloat Hydrologic Area No. 518.33

Water Body Type: Riparian, Streambed

Designated Beneficial Uses: The Basin Plan for the Central Valley Water Board has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Industrial Supply (IND), Hydropower Generation (POW); Groundwater Recharge, Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Cold Freshwater Habitat (COLD); Cold Freshwater Spawning (SPWN); and Wildlife Habitat (WILD).

Project Description (purpose/goal): The California Department of Transportation in coordination with the Federal Highway Administration is proposing to rehabilitate the Middle Fork Feather River Bridge on Highway 89 near Graeagle. Following the 2007 floods, rock slope protection was placed along the southerly (upstream) roadway fill to prevent further erosion. The Middle Fork Feather River is attempting to migrate towards its' original course, which is causing the river to flow along the rock slope protection placed along the roadway fill before turning again between the north abutment and first pier. These shifts in channel alignment have created a curve at the north end of the structure and increase velocity at the outer edge of the curve, which has resulted in scour around the north pier, which is now considered to be scour critical. Work within the channel will be to stabilize the Pier 3 foundation and prevent further scour by excavating the scour hole and placing rock slope protection and filter fabric. The top of the RSP should be level with the channel bed and flush with the top of the pier footing. It will begin approximately 36' upstream of the pier and continue around the entire length of the pier, extending downstream approximately 25'. In stream construction activities are anticipated to take approximately 20 working days, which is equal to one month.

The underneath metal section of the bridge structure will be painted as part of the proposed project, which will require sand blasting material from entering the MFFR. The staging area located on the south-east quadrant will likely be used by vehicles and the compressor used for the removal and painting of the bridge structure. It is estimated that the bridge painting will take approximately 40 working days, which is equal to 2 months.

Bridge work also includes removing 4"-6" of existing asphalt from the bridge deck and replacing with $\frac{3}{4}$ " polyester overlay, which will lower the deck surface elevation. As part of removing asphalt from the bridge deck, bridge joint seals and any unsound concrete will be replaced. The approaching roadway will be adjusted to conform to the new elevation and tapered on either end of the bridge. The approach metal beam guardrail will be upgraded and replaced.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: Caltrans will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. Caltrans will conduct turbidity and settleable matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

Fill/Excavation Area: Project implementation will permanently impact 0.011 acres of riparian and 0.095 acres of un-vegetated streambed and temporarily impact 0.318 acres of un-vegetated streambed.

Dredge Volume: Not Applicable

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

Department of Fish and Game Streambed Alteration Agreement: Caltrans applied for a Streambed Alteration Agreement on 23 September 2010. Lake and Streambed Alteration Agreement No. 1600-2010-0161-R2

Possible Listed Species: Not Applicable

Status of CEQA Compliance: On 30 June 2010 Caltrans signed a Categorical Exemption/ Categorical Exclusion Determination Form. The proposed project is exempt from California Environmental Quality Act (CEQA) pursuant 14 CCR Section 15301, Class 1 Categorical Exemption for an existing facility.

Compensatory Mitigation: Not Applicable

Application Fee Provided: On 30 September 2010 a certification application fee of \$640.00 was submitted as required by 23 CCR §3833b(3)(A) and by 23 CCR §2200(e). A remaining certification fee of \$1,510.00 was received on 7 January 2011 as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e)

STATE WATER RESOURCES CONTROL BOARD

WATER QUALITY ORDER NO. 2003 - 0017 - DWQ

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

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

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

¹ "Waters of the State" as defined in CWC Section 13050(e)

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

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

CERTIFICATION

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

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

NO: None.

ABSENT: None.

ABSTAIN: None.

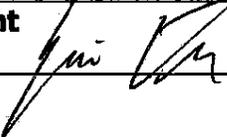

Debbie Irvin
Clerk to the Board

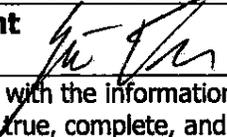
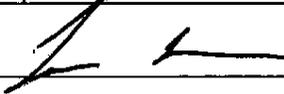
U.S. Army Corps of Engineers South Pacific Division



Nationwide Permit Pre-Construction Notification (PCN) Form

This form integrates requirements of the Nationwide Permit Program within SPD, including General and Regional Conditions. Please consult instructions prior to completing this form.

Box 1 Project Name Middle Fork Feather River Scour Retrofit			
Applicant Name Eric Orr		Applicant Title Project Manager	
Applicant Company, Agency, etc. Caltrans		Applicant's internal tracking number (if any) EA 2C224	
Mailing Address 1657 Riverside Drive, Redding, CA 96001			
Work Phone with area code (530) 225-2455	Home Phone with area code	Fax # with area code (530) 225-3146	E-mail Address
Relationship of applicant to property: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Purchaser <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Other: Caltrans			
Application is hereby made for verification that subject regulated activities associated with subject project qualify for authorization under a Corps nationwide permit or permits as described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agency to which this application is made, the right to enter the above-described location to inspect the proposed, in-progress or completed work. I agree to start work only after all necessary permits have been received.			
Signature of applicant 			Date (m/d/yyyy) 9/23/2010

Box 2 Authorized Agent/Operator Name (If an agent is acting for the applicant during the permit process) Cabe Cornelius			
Agent/Operator Title Environmental Coordinator		Agent/Operator Company, Agency, etc. California Department of Transportation	
Mailing Address P.O. BOX 496073, REDDING, CA 96049-6073			
Work Phone with area code 530-225-3514	Home Phone with area code	Fax # with area code 530-225-3019	E-mail Address cabe_cornelius@dot.ca.gov
I hereby authorize the above named authorized agent to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application. I understand that I am bound by the actions of my agent and I understand that if a federal or state permit is issued, I, or my agent, must sign the permit.			
Signature of applicant 			Date (m/d/yyyy) 9/23/2010
I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate.			
Signature of authorized agent 			Date (m/d/yyyy) 9/23/10

Box 3 Name of Property Owner(s), if other than Applicant:	
VARIOUS	
Owner Title	Owner Company, Agency, etc.
Mailing Address	
Work Phone with area code	Home Phone with area code

Box 4 Name of Contractor(s) (if known):	
Contractor Title	Contractor Company, Agency, etc.
Mailing Address	
Work Phone with area code	Home Phone with area code

Box 5 Site Number <u>1</u> of <u>1</u>. Project location(s), including street address, city, county, state, zip code where proposed activity will occur:	
MIDDLE FORK FEATHER RIVER BRIDGE AND ROADWAY ON STATE ROUTE 89 LOCATED APPROXIMATELY 0.5 MILE NORTH OF THE TOWN OF GRAEAGLE IN PLUMAS COUNTY.	
Waterbody (if known, otherwise enter "an unnamed tributary to"): The Middle Fork of the Feather River.	
Tributary to what known, downstream waterbody: The Middle Fork of the Feather River flows into Lake Oroville which eventually empties into the Sacramento River.	
Latitude & Longitude (D/M/S, DD, or UTM):	Zoning Designation (no codes or abbreviations):
Assessors Parcel Number:	Section, Township, Range: Sections 10 & 15, Township 22 N., Range 12 E.
USGS Quadrangle map name: Johnsville and Blairsden 7.5 minute U.S.G.S. quadrangle	
Watershed and other location descriptions, if known: Middle Fork of the Feather River watershed (Hydrologic Unit Code 18020123)	
Directions to the project location: The project is located on State Route (SR) 89, located approximately 0.5 mile north of the town of Graeagle in Plumas County.	

Nature of Activity (Description of project, include all features, see instructions):

CALTRANS IS PROPOSING TO REHABILITATE THE MIDDLE FORK FEATHER RIVER (MFFR) BRIDGE AND ROADWAY, WHICH WILL INCLUDE THE REPAIR OF A SCOUR HOLE BETWEEN THE NORTH BRIDGE PIER AND ABUTMENT. REPAIR OF THE SCOUR HOLE WILL INCLUDE CONSTRUCTION ACTIVITIES WITHIN THE STREAM CHANNEL AND WILL REQUIRE EQUIPMENT ACCESS FROM THE NORTH-EAST QUADRANT, WHICH WILL REQUIRE THE EXISTING DIRT ROAD TO BE GRADED. IT IS ANTICIPATED, A TEMPORARY GRAVEL BERM WILL BE PLACED UPSTREAM AND AROUND THE SOUTH SIDE OF THE NORTH PIER TO ISOLATE THE WORK AREA FROM THE RIVER AND DIVERT THE MAJORITY OF FLOWS AROUND THE WORK AREA. THE GRAVEL BERM WILL ALSO ALLOW CONSTRUCTION EQUIPMENT ACCESS AROUND THE PIER AND MINIMIZE AMOUNT OF TIME WITHIN THE ACTUAL RIVER. AREAS WITHIN THE GRAVEL BERM MAY NEED DEWATERED, WHICH WILL LIKELY BE ACCOMPLISHED BY PUMPING WATER INTO A DETENTION BASIN, ALLOWING SUSPENDED SEDIMENT TO SETTLE OUT BEFORE BEING RETURNED TO MFFR. THE SCOUR HOLE WILL THEN BE EXCAVATED AND LINED WITH RSP FABRIC WITH A 5.5' LAYER OF RSP PLACED ON TOP OF THE FABRIC WITHIN THE EXCAVATED HOLE. THE TOP OF THE RSP SHOULD BE LEVEL WITH THE CHANNEL BED AND FLUSH WITH THE TOP OF THE PIER FOOTING. THE RSP WILL BEGIN APPROXIMATELY 36' UPSTREAM OF THE PIER AND CONTINUE AROUND THE ENTIRE LENGTH OF THE PIER, EXTENDING DOWNSTREAM APPROXIMATELY 25'. INSTREAM CONSTRUCTION ACTIVITIES ARE ANTICIPATED TO TAKE APPROXIMATELY 20 WORKING DAYS, WHICH IS EQUAL TO A MONTH.

THE UNDERNEATH METAL SECTION OF THE BRIDGE STRUCTURE WILL BE PAINTED AS PART OF THE PROPOSED PROJECT, WHICH WILL REQUIRE SAND BLASTING TO REMOVE ANY RUST AND OLD PAINT. THE CONTRACTOR WILL PREPARE A PLAN TO PREVENT ALL PAINT AND SAND BLASTING MATERIAL FROM ENTERING THE MFFR. THE STAGING AREA LOCATED ON THE SOUTH-EAST QUADRANT WILL LIKELY BE USED BY VEHICLES AND THE COMPRESSOR USED FOR THE REMOVAL AND PAINTING OF THE BRIDGE STRUCTURE. IT IS ESTIMATED THAT THE BRIDGE PAINTING WILL TAKE APPROXIMATELY 40 WORKING DAYS, WHICH IS EQUAL TO 2 MONTHS.

BRIDGE WORK ALSO INCLUDES REMOVING 4"-6" OF EXISTING ASPHALT FROM THE BRIDGE DECK AND REPLACING WITH ¾" POLYESTER OVERLAY, WHICH WILL LOWER THE DECK SURFACE ELEVATION. AS PART OF THE REMOVING ASPHALT FROM THE BRIDGE DECK, BRIDGE JOINT SEALS AND ANY UNSOUND CONCRETE WILL BE REPLACED. THE APPROACHING ROADWAY WILL BE ADJUSTED TO CONFORM TO THE NEW ELEVATION AND TAPERED ON EITHER END OF BRIDGE. THE APPROACH METAL BEAM GUARDRAIL WILL BE UPGRADED AND REPLACED.

IN ADDITION, AN ASPHALT OVERLAY WILL BE PLACED ON THE ROADWAY, WHILE LANES WILL BE RESTRIPE TO 11.5' WIDE ¼ MILE NORTH AND ½ MILE SOUTH OF THE BRIDGE STRUCTURE TO PROVIDE 4' WIDE SHOULDERS FOR USED BY PEDESTRIANS AND BICYCLISTS. LARGE PULL-OUTS AND PREVIOUSLY DISTURBED AREAS ADJACENT TO THE ROADWAY WILL BE USED FOR EQUIPMENT AND MATERIAL STAGING.

Project Purpose (Description the reason or purpose of the project, see instructions):

THE MFFR BRIDGE WAS CONSTRUCTED IN 1955; ABUTMENT FILLS WERE ARMORED WITH SACKED CONCRETE. OVER 1,300' OF THE MFFR WAS STRAIGHTENED TO ROUTE THE RIVER UNDER THE BRIDGE AND PAST THE PIER WALLS. THE CHANNEL REALIGNMENT CONSISTED OF STRAIGHTENING A NATURAL BEND IN THE CHANNEL, EXTENDING APPROXIMATELY 1,000' UPSTREAM AND 300' DOWNSTREAM. THE EXISTING ROADWAY FILL CURRENTLY BISECTS THE ORIGINAL BEND OF THE CHANNEL, WHILE A 36" DIAMETER OVER FLOW CULVERT WAS PLACED WITHIN THE FILL, WHERE THE ORIGINAL CHANNEL USED TO FLOW. DURING THE WINTER OF 1988, HIGH FLOWS UPSTREAM OF THE BRIDGE "JUMPED" THE REALIGNED SECTION OF CHANNEL AND FORMED AN OXBOW TOWARDS THE ORIGINAL PRE-1955 FLOW PATH.

FOLLOWING THE 1997 FLOODS, ROCK SLOPE PROTECTION (RSP) WAS PLACED ALONG THE SOUTHERLY (UPSTREAM) ROADWAY FILL TO PREVENT FURTHER EROSION. THE MFFR IS ATTEMPTING TO MIGRATE TOWARDS ITS ORIGINAL COURSE, WHICH IS CAUSING THE RIVER TO FLOW ALONG THE RSP PLACED ALONG THE ROADWAY FILL BEFORE TURNING AGAIN BETWEEN THE NORTH ABUTMENT AND FIRST PIER. THESE SHIFTS IN CHANNEL ALIGNMENT HAVE CREATED A CURVE AT THE NORTH END OF THE STRUCTURE AND INCREASED VELOCITY AT THE OUTER EDGE OF THE CURVE, WHICH HAS RESULTED IN SCOUR AROUND THE NORTH PIER, WHICH IS NOW CONSIDERED TO BE SCOUR CRITICAL.

Use Box 6 if dredged and/or fill material is to be discharged:

Box 6 Reason(s) for Discharge into waters of the United States:

THE SCOUR CRITICAL STATE OF THE MIDDLE FORK OF THE FEATHER RIVER BRIDGE NECESSITATES THE REHABILITATION OF THE BRIDGE. IN ORDER TO COMPLETE THIS WORK A TEMPORARY GRAVEL BERM WILL BE PLACED UPSTREAM AND AROUND THE SOUTH SIDE OF THE NORTH PIER TO ISOLATE THE WORK AREA FROM THE RIVER AND DIVERT THE MAJORITY OF FLOWS AROUND THE WORK AREA. THE GRAVEL BERM WILL ALSO ALLOW CONSTRUCTION EQUIPMENT ACCESS AROUND THE PIER AND MINIMIZE THE AMOUNT OF TIME WITHIN THE ACTUAL RIVER. THE MAJORITY OF THE GRAVEL USED FOR THE TEMPORARY GRAVEL BERM SHALL BE REMOVED FROM THE CHANNEL WHILE ANY GRAVEL LEFT IN THE CHANNEL SHALL BE GRADED TO A DEPTH NO GREATER THAN 6". IF ANY OTHER MATERIALS ARE USED TO DIVERT THE STREAT FLOWS, THEY SHALL ALSO BE REMOVED FROM THE CHANNEL FOLLOWING CONSTRUCTION.

Type(s) of material being discharged and the amount of each type in cubic yards:

153 cubic yards of permanent 1/2 ton RSP

512 cubic yards of temporary clean washed gravel used for channel access

Total surface area in acres of wetlands or other waters of the U.S. filled (see instructions):

0.095 acres

Indicate in ACRES and LINEAR FEET (where appropriate) the proposed impacts to **waters of the United States**, and identify the impact(s) as permanent and/or temporary for each water body type listed below:

Water Body Type	Permanent		Temporary	
	Acres	Linear feet	Acres	Linear feet
Wetland				
Riparian streambed				
Unveg. streambed	0.095	95	0.318	210
Lake				
Ocean				
Other				
Total:				

Potential indirect and/or cumulative impacts of proposed discharge (if any):

Temporary sediment disturbance from water diversion installation and removal.

Required drawings (see instructions):

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

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

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

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

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

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

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

Please attach¹ one or more color photographs of the existing conditions (aerials if possible).

¹or mail copy separately if applying electronically

Dredge Volume: Indicate in CUBIC YARDS the quantity of material to be dredged or used as fill:

Indicate type(s) of material proposed to be discharged in waters of the United States:

153 cubic yards of 1/2 Ton RSP with filter fabric placed underneath (permanent)

512 cubic yards of clean washed gravel used for channel access (temporary)

For proposed discharges of dredged material into waters of the U.S. (including beach nourishment), please attach² a proposed Sampling and Analysis Plan (SAP) prepared according to Inland Testing Manual (ITM) guidelines (including Tier I information, if available).

²or mail copy separately if applying electronically

Is any portion of the work already complete? YES NO

If yes, describe the work:

Box 7 Intended NWP number (1st)³: 14

Intended NWP number (2nd):

Intended NWP number (3rd):

³Enter the intended permit type(s). See NWP regulations for permit types and qualification information (http://www.usace.army.mil/inet/functions/cw/cecwo/reg/nationwide_permits.htm).

Box 8 Authority:

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

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

Box 9 Is the discharge of fill or dredged material for which Section 10/404 authorization is sought part of a larger plan of development?: YES NO

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

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

Total area in acres of entire project area (including larger plan of development, where applicable):

Box 10 Threatened or Endangered Species

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

- | | |
|--------|----|
| a. N/A | b. |
| c. | d. |
| e. | f. |

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

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

If a federally-listed species would be impacted, please provide a description and a biological evaluation.

Yes, Report attached (or mail copy separately if applying electronically) Not attached

Has the USFWS/NOAA Fisheries issued a Biological Opinion?

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

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

Has Section 7 consultation been initiated by another federal agency?

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

Has Section 10 consultation been initiated for the proposed project?

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

Box 11 Historic properties and cultural resources:

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

- | | |
|---------------|----|
| a. CA-PLU-308 | b. |
| c. | d. |
| e. | f. |

Are any cultural resources of any type known to exist on-site?

Yes No

Has an archaeological records search been conducted?

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

Has a archaeological pedestrian survey been conducted for the site?

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

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

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

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

Has Section 106 consultation been initiated by another federal agency?

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

Box 12 Measures taken to avoid and minimize impacts to waters of the United States (if any):

1. If there is a need to remove or breach the beaver dam downstream of the bridge to minimize water level within project limits, coordination shall take place with the local DFG Wildlife Biologist prior to removal for an assessment of activity and guidance.
2. A temporary gravel berm consisting of clean, round rock shall be placed upstream and around the south side of the north pier to isolate the work area from the river. Following construction, majority of the gravel shall be removed from the channel, while any gravel left in the channel shall be graded to a depth no greater than 6". Any other materials used to divert stream flows shall also be removed from the channel following construction.
3. Following construction, willow cuttings shall be collected on-site and planted along the toe of the eroded section of river bank upstream of the bridge.

Include multiple copies of Box 13 for separate sites.

Box 13 Proposed Compensatory Mitigation (site ___ of ___) related to fill/excavation and dredge activities. Indicate in ACRES and LINEAR FEET (where appropriate) the total quantity of waters of the United States proposed to be created, restored, enhanced and/or preserved for purposes of providing compensatory mitigation. Indicate water body type (wetland, riparian streambed, unvegetated streambed, lake, ocean, other) or non-jurisdictional (uplands⁵). Indicate mitigation type (on- or off-site by applicant, mitigation bank, in-lieu fee program):

Water Body Type	Created	Restored	Enhanced	Preserved	Mitigation type
Totals:					

⁵ For uplands, please indicate if designed as an upland buffer.

If no mitigation is proposed, provide detailed explanation of why no mitigation would be necessary:

Only 0.011 acre of vegetation removal and will be replanted on site.

Has a draft/conceptual mitigation plan been prepared in accordance with the Army Corps of Engineers District guidelines? Yes, Attached (or mail copy separately if applying electronically) No

Mitigation site Latitude & Longitude (D/M/S, DD, or UTM):

USGS Quadrangle map name:

Assessors Parcel Number:	Section, Township, Range:
Other location descriptions, if known:	
Directions to the mitigation location:	

Box 14 Water Quality Certification (see instructions):

Applying for certification? Yes, Attached (or mail copy separately if applying electronically) No

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

Exempt? Yes No

If exempt, state why: Agency concurrence? Yes, Attached No

Box 15 Coastal Zone Management Act (see instructions):

Is the project located within the Coastal Zone? Yes No

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

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

If no, applying for separate CZMA-consistency certification?

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

Permit/Consistency issued? Yes, Attached (or mail copy separately if applying electronically) No

Exempt? Yes No

If exempt, state why:

Box 16 List of other certifications or approvals/denials received from other federal, state, or local agencies for work described in this application:

Agency	Type Approval ⁴	Identification No.	Date Applied	Date Approved	Date Denied
Water Quality	401 Certification		9/23/2010	Pending	
Department of Fish and Game		1602	9/23/2010	Pending	

⁴ Would include but is not restricted to zoning, building, and flood plain permits

NWP General Conditions (GC) checklist:

1. Navigation:

Project would be in compliance with GC? Yes No

Explain:

2. Aquatic Life Movements:

Project would be in compliance with GC? Yes No

Explain:

3. Spawning Areas:

Spawning areas present? Yes No

Project would be in compliance with GC? Yes No

Explain:

4. Migratory Bird Breeding Areas:

Migratory bird breeding areas present? Yes No

Project would be in compliance with GC? Yes No

Explain:

5. Shellfish Beds:

Shellfish beds present? Yes No

Project would be in compliance with GC? Yes No

Explain:

6. Suitable Material:

Project would be in compliance with GC? Yes No

Explain:

7. Water Supply Intakes:

Project would be in compliance with GC? Yes No

Explain:

8. Adverse Effects From Impoundments:

Project would be in compliance with GC? Yes No

Explain:

9. Management of Water Flows:

Project would be in compliance with GC? Yes No

Explain:

10. Fills Within 100-Year Floodplains:

Project would be within 100-year floodplains? Yes No

If yes, project would be in compliance with GC? Yes No

Explain:

11. Equipment:

Project would be in compliance with GC? Yes No

Explain:

12. Soil Erosion and Sediment Controls:

Project would be in compliance with GC? Yes No

Explain:

13. Removal of Temporary Fills:

Project would be in compliance with GC? Yes No

Explain:

14. Proper Maintenance:

Project would be in compliance with GC? Yes No

Explain:

15. Wild and Scenic Rivers:

Project would be within a National Wild and Scenic River System (including proposed system)?

Yes No

Project would be in compliance with GC? Yes No

Explain:

16. Tribal Rights:

Project would be in compliance with GC? Yes No

Explain:

17. Endangered Species: see Box 10 above.

18. Historic Properties: see Box 11 above.

19. Designated Critical Waters (check those that apply)

Includes:

- 1) NOAA-designated marine sanctuaries,
- 2) National Estuarine Research Reserves,
- 3) State natural heritage sites,
- 4) Officially designated waters

Applicant is aware of the restrictions a) and b) below? Yes No

a) NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50: No NWP can be authorized.

b) NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38: Notification is required.

20. Mitigation: see Box 13 above.

21. Water Quality (401 Certification): see Box 14 above.

22. Coastal Zone Permit: see Box 15 above.

23. Regional and Case-By-Case Conditions:

Complete the Regional Conditions checklist below.

Project would be in compliance with any Case-by-case conditions? Yes No

Explain:

24. Use of Multiple Nationwide Permits:

Applicant is aware that if total proposed acreage of impact exceeds acreage limit of NWP with highest specified acreage, no NWP can be issued? Yes No

25. Transfer of Nationwide Permit Verifications:

Applicant is aware of this permit transfer requirement? Yes No

26. Compliance Certification:

Applicant is aware of this post-construction requirement? Yes No

27. Pre-Construction Notification:

If a PCN is required, the PCN includes: (*check those that apply*)

Delineation of wetlands and other waters of the U.S.

If project results in the loss of greater than 1/10 acre of wetlands, a compensatory mitigation plan or statement describing how the mitigation requirement will be satisfied

For non-Federal applicants, a list of threatened or endangered species or designated critical habitat that might be affected by the proposed work

For Federal applicants, documentation demonstrating compliance with the Endangered Species Act

For non-Federal applicants, a list of historic properties listed on, or determined eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places that may be affected by the proposed work; or a vicinity map indicating the location of the historic property

For Federal applicants, documentation demonstrating compliance with the National Historic Preservation Act

28. Single and Complete Project:

Project would be in compliance with GC? Yes No

Explain:

NWP Regional Conditions (RC) checklist:

II. Sacramento District (SPK) in California, Nevada, and Utah:

SPK Regional conditions to be applied across the entire Sacramento District including California, Nevada, and Utah (except Colorado):

1. Is pre-construction notification (PCN) required? Yes No

If yes, notification pursuant to General Condition 27 is required using either the South Pacific Division Preconstruction Notification (PCN) Checklist or a completed application form (ENG Form 4345). In addition, the PCN shall include:

- a. A written statement explaining how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States;
- b. Drawings, including plan and cross-section views, clearly depicting the location, size and dimensions of the proposed activity. The drawings shall contain a title block, legend and scale, amount (in cubic yards) and size (in acreage) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark or, if tidal waters, the high tide line should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation; and
- c. Pre-project color photographs of the project site taken from designated locations documented on the plan drawing.

2. Will mitigation be completed before or concurrent with construction of the project? Yes No

Compensatory mitigation shall be completed as required by special conditions of the NWP verification before or concurrent with construction of the authorized activity, except when specifically determined to be impracticable by the Sacramento District. When project mitigation involves use of a mitigation bank or in-lieu fee program, payment shall be made before commencing construction.

3. Does the project have property which will be preserved as part of mitigation for authorized impacts? Yes No

If yes, the NWP verification shall be recorded against the preserved property with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property.

Will structures, including boat ramps or docks, marinas, piers, and permanently moored vessels, be constructed in or adjacent to navigable waters? Yes No

If yes, the NWP verification shall be recorded against the area with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property. The recordation shall also include a map showing the surveyed location of the authorized structure and any associated areas preserved to minimize or compensate for project impacts.

4. Will any wetlands, other aquatic areas, and/or any vegetative buffers be preserved as part of mitigation for impacts? Yes No

If yes, these areas shall be placed into a separate "preserve" parcel prior to discharging dredged or fill material into waters of the United States, except where specifically determined to be impracticable by the Sacramento District. Permanent legal protection shall be established for all preserve parcels, following Sacramento District approval of the legal instrument.

5. The permittee shall allow Corps representatives to inspect the authorized activity and any mitigation areas at any time deemed necessary to determine compliance with the terms and conditions of the NWP verification. The permittee will be notified in advance of an inspection.

6. Is a waiver of the 300 linear foot limitation for intermittent and ephemeral streams requested? Yes No

If yes, an analysis of the impacts to the stream environment, measures taken to avoid and minimize losses, other project alternatives that were considered (but were found not to be practicable), and a mitigation plan describing how the unavoidable losses will be offset, must be included.

7. Is a road crossing proposed? Yes No

If yes, road crossings shall be designed to ensure fish passage, especially for anadromous fish. Bridge designs that span the stream or river, utilize pier or pile supported structures, or involve large bottomless culverts with a natural streambed, where the substrate and streamflow conditions approximate existing channel conditions shall be employed.

Is an approach fill proposed? Yes No

Approach fills in waters of the United States below the ordinary high water mark are not authorized under the NWPs, except where avoidance has specifically been determined to be impracticable by the Sacramento District.

8. Are trenching activities proposed under NWP 12? Yes No

If yes, clay blocks, bentonite, or other suitable material shall be used to seal the trench to prevent the utility line from draining waters of the United States, including wetlands.

9. Are activities involving hard-armoring of the bank toe or slope proposed under NWP 13? Yes No

If yes, notification pursuant to General Condition 27 is required. Bank stabilization shall include the use of vegetation or other biotechnical design to the maximum extent practicable.

10. Is the activity proposed under NWP 23? Yes No

If yes, notification pursuant to General Condition 27 is required. The PCN shall include a copy of the signed Categorical Exclusion document and final agency determinations regarding compliance with Section 7 of the Endangered Species Act, Essential Fish Habitat under the Magnusson-Stevens Act, and Section 106 of the National Historic Preservation Act.

11. Are activities which will result in the loss of greater than 300 linear feet of streambed proposed under NWP 44? Yes No

If yes, the discharge shall not cause the loss of more than 300 linear feet of streambed unless the 300 linear foot limit is waived in writing by the Sacramento District for intermittent and ephemeral streams only. Loss of more than 300 linear feet of perennial streambed is not authorized.

Is the activity proposed within a water of the United States supporting anadromous fisheries? Yes No

This NWP does not authorize discharges in waters of the United States supporting anadromous fisheries.

12. Is channelization or relocation of an intermittent or perennial drainage proposed under NWPs 29 and/or 39? Yes No

If yes, channelization or relocation of intermittent or perennial drainage is not authorized, except when, as determined by the Sacramento District, the relocation would result in a net increase in functions of the aquatic ecosystem within the watershed.

13. Are temporary fills for construction access in waters of the United States supporting fisheries proposed under NWP 33? Yes No

If yes, temporary fills for construction access in waters of the United States supporting fisheries shall be accomplished with clean, washed spawning quality gravels where practicable as determined by the Sacramento District, in consultation with appropriate federal and state wildlife agencies.

14. Are activities which will result in the loss of greater than 0.5 acre of waters of the United States or the loss of more than 300 linear feet of ditch proposed under NWP 46? Yes No

If yes, the loss of greater than 0.5 acre of waters of the United States is not authorized. The discharge shall not cause the loss of more than 300 linear feet of ditch, unless the 300 foot linear foot limit is waived in writing by the Sacramento District.

15. Are any waters of the United States, including created, restored, or enhanced waters of the United States proposed for preservation under NWPs 29, 39, 40, 42, and/or 43? Yes No

If yes, upland vegetated buffers shall be established and maintained in perpetuity, to the maximum extent practicable, adjacent to all preserved open waters, streams and wetlands including created, restored, enhanced or

preserved waters of the U.S., consistent with General Condition 20. Except in unusual circumstances, vegetated buffers shall be at least 50 feet in width.

16. Is the proposed project located with a histosol, fen, or wetland contiguous with a fen? Yes No

If yes, all NWP's except 3, 6, 20, 27, 32, 38, and 47, are revoked. Fens are defined as slope wetlands with a histic epipedon that are hydrologically supported by groundwater. Fens are normally saturated throughout the growing season, although they may not be during drought conditions. For NWP's 3, 6, 20, 27, 32, and 38, notification pursuant to General Condition 27 is required.

17. Are activities proposed within 100 feet of the point of groundwater discharge of a natural spring? Yes No

If yes, notification pursuant to General Condition 27 is required. A spring source is defined as any location where ground water emanates from a point in the ground. For purposes of this condition, springs do not include seeps or other discharges which lack a defined channel.

SPK Regional conditions to be applied only in California:

1. Is the project located within Lake Tahoe Basin? Yes No

All NWP's within the Lake Tahoe Basin are revoked. Activities in this area shall be authorized under Regional General Permit 16 or through an individual permit.

2. Is the project located within the Primary and Secondary Zones of the Legal Delta? Yes No

NWP's 29 and 39 within the Primary and Secondary Zones of the Legal Delta are revoked. New development activities in this area will be reviewed through the Corps' standard permit process.

SPK Regional conditions to be applied only in Nevada:

1. Is the project located within Lake Tahoe Basin? Yes No

All NWP's within the Lake Tahoe Basin are revoked. Activities in this area shall be authorized under Regional General Permit 16 or through an individual permit.

SPK Regional conditions to be applied only in Utah:

1. Is the project located below 4217 feet mean sea level (msl) adjacent to the Great Salt Lake or below 4500 feet msl adjacent to Utah Lake? Yes No

For all NWP's in this area, except NWP 47, notification pursuant to General Condition 27 is required.

2. Will the project include bank stabilization activities that will affect more than 100 linear feet of perennial stream? Yes No

If yes, notification pursuant to General Condition 27 is required.

3. Will the project require NWP 27 authorization? Yes No

If yes, facilities for controlling stormwater runoff, construction of water parks such as kayak courses, and use of grout or concrete to construct in-stream structures are not authorized.

Will the project exceed 1500 linear feet (as measured on the stream thalweg), use in stream structures exceeding 50 cubic yards per structure, and/or incorporate grade control structures exceeding 1 foot vertical drop?

Yes No

If yes, notification pursuant to General Condition 27 is required.

Will the project involve stream restoration? Yes No

If yes, the post project stream sinuosity shall be appropriate to the geomorphology of the surrounding area and shall be equal to, or greater than, pre-project sinuosity. Sinuosity is defined as the ratio of stream length to project reach length. Structures shall allow the passage of aquatic organisms, recreational water craft or other navigational activities unless specifically waived in writing by the District Engineer.

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

FISH & GAME REGION 2

2010 DEC -7 AM 10: 28



Streambed Alteration Agreement
Notification No. 1600-2010-0161 -R2
Middle Fork Feather River (MFFR)
California Department of Transportation
Middle Fork Feather River Scour Retrofit

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Game (DFG) and California Department of Transportation (Permittee) as represented by Eric Orr.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified DFG on September 30, 2010 that Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project is located at Middle Fork Feather River (MFFR), in the County of Plumas, State of California; Latitude 39.77814722, Longitude -120.621876.

PROJECT DESCRIPTION

Caltrans is proposing to rehabilitate the MFFR Bridge and roadway, which will include the repair of a scour hole between the north bridge pier and abutment. Repair of the scour hole will include construction activities within the stream channel and will require equipment access from the north-east quadrant, which will require the existing dirt road to be graded. The scour hole will then be excavated and lined with RSP fabric with a 5.5' layer of RSP placed on top of the fabric within the excavated hole. The top of the RSP should be level with the channel bed and flush with the top of the pier footing. The RSP will begin approximately 36' upstream of the pier and continue around the entire length of the pier, extending downstream approximately 25'. Instream construction activities are anticipated to take approximately 20 working days, which is equal to a month.

The underneath metal section of the bridge structure will be painted as part of the proposed project, which will require sand blasting to remove any rust and old paint. The contractor will prepare a plan to prevent all paint and sand blasting material from entering the MFFR. The staging area located on the south-east quadrant will likely be used by vehicles and the compressor used for the removal and painting of the bridge structure. It is estimated that the bridge painting will take approximately 40 working days, which is equal to 2 months.

A detailed project description is provided in the notification materials submitted to DFG. The notification, together with all supporting documents submitted with the notification, include the M.F. Feather River Bridge Rehabilitation Project Natural Environment Study dated June 2010 are hereby incorporated into this agreement to describe the location, features, avoidance measures and mitigation measures of the proposed project.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Willow flycatcher, Townsend's big-eared , Spotted bat, Pallid bat, Hardhead minnows, brown trout, and rainbow trout, warm water fish species, amphibians, and other aquatic and terrestrial plant and wildlife species.

The adverse effects the project could have on the fish or wildlife resources identified above include: loss of natural bed or bank; change in contour of bed, channel or bank; change in gradient of bed, channel or bank; change in channel cross-section; aggradation of channel; loss of bank stability during construction; increase of bank erosion during construction; soil compaction or other disturbance to soil layer; increased turbidity; loss or decline of riparian and/or emergent marsh habitat; change to, or loss or decline of natural bed substrate; direct take of fish and other aquatic species; disruption to nesting birds and other wildlife; loss or impediment of terrestrial animal species travel routes due to temporary structures (e.g., survey tape, sandbags, erosion protection materials etc.); diversion of flow water from, or around, activity site; and direct loss of resources for aquatic organisms.

STREAM ZONE DEFINED

The Stream Zone comprises all components of a stream, including the channel, bed, banks, and floodplains. The Stream Zone is the land, including vegetation, that bounds a lake or the channel of a stream and that defines the lateral extent of their waters.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to DFG personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify DFG if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, DFG shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that DFG personnel may enter the project site to verify compliance with the Agreement. DFG personnel may only enter the project site when it is safe to do so. When appropriate, DFG personnel shall contact the Permittee prior to entering the construction area.
- 1.5 Authorized Work. The notification, together with all supporting documents submitted with the notification, is hereby incorporated into this agreement to describe the location and features of the proposed project. The Permittee agrees that all work shall be done as described in the notification and supporting documents, incorporating all project modifications, wildlife resource protection features, mitigation measures, and provisions as described in this agreement. Where apparent conflicts exist between the notification and the provisions listed in this agreement, the Permittee shall comply with the provisions listed in this agreement. The Permittee further agrees to notify DFG of any modifications made to the project plans submitted to DFG. At the discretion of DFG, this agreement will be amended to accommodate modifications to the project plans submitted to DFG and/or new project activities.
- 1.6 Right of Entry Permit. The Permittee should adhere to the provisions of the Right of Entry Permit Between California Department of Fish and Game and California Department of Transportation Regarding Middle Fork Feather River Bridge Rehabilitation Project, Plumas County

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. The time period for completing the work within the stream zone shall be restricted to periods of low stream flow and dry weather and shall be confined to the period of August 1 to October 15. Construction activities shall be timed with

awareness of precipitation forecasts and likely increases in stream flow. Construction activities within the stream zone shall cease until all reasonable erosion control measures, inside and outside of the stream zone, have been implemented prior to all storm events. Revegetation, restoration and erosion control work is not confined to this time period.

- 2.2 **Work Period Extensions.** At DFG's discretion, the work period may be extended based on the extent of the work remaining, on site conditions and reasonably anticipated future conditions. If the Permittee finds more time is needed to complete the authorized activity, the Permittee shall submit a written request for a work period time extension to DFG. The work period extension request shall provide the following information: 1) Describe the extent of work already completed; 2) Provide specific detail of the activities that remain to be completed within the stream zone; and 3) Detail the actual time required to complete each of the remaining activities within the stream zone. The work period extension request should consider the effects of increased stream conditions, rain delays, increased erosion control measures, limited access due to saturated soil conditions, and limited growth of erosion control grasses due to cool weather. Photographs of the work completed and the proposed work areas are helpful in assisting DFG in its evaluation. Time extensions are issued at the discretion of DFG. DFG will have ten calendar days to approve the proposed work period extension. DFG reserves the right to require additional measures designed to protect natural resources.
- 2.3 **Stream Diversions / Dewatering.** The Permittee must submit detailed water diversion plan to DFG. Dewatering and stream crossing structures may include the use of clean removable materials, such as, sand bags, Port-a-dams, water bladder dams, K-rails, driven sheet metal coffer dams and trestles. Temporary culvert(s) and/or bridges must be sized to handle reasonably anticipated flows from unanticipated storm events. DFG will review the proposed water diversion plan. DFG will have 10 calendar days to approve the plan(s) or provide the requirements for that approval. If DFG does not respond within 10 days, the plan shall be automatically approved. All water dewatering structures shall be removed from the stream zone by October 15 unless otherwise authorized by DFG
- 2.4 **ESA Fencing.** Sensitive areas such as riparian habitat, potential wetlands and potential willow flycatcher habitat adjacent to the project limits will be designated as ESA on the plan sheets submitted to DFG.
- 2.5 **Beaver Dam Removal.** If there is a need to remove or breach the beaver dam downstream of the bridge to minimize water level within project limits, coordination shall take place with DFG prior to removal for an assessment of activity and guidance.
- 2.6 **Bird Nests.** It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird except as otherwise provided by the Fish and Game Code. No trees that contain active nests of birds shall be disturbed until all eggs have hatched and young birds have fledged without prior consultation and approval of a Department representative.

- 2.7 Willow Flycatcher Habitat Impact. To avoid potential impacts to nesting willow flycatchers, vegetation removal and grading activities on the north-east access road shall take place prior to May 1 and after August 31.
- 2.8 Cliff Swallow Avoidance. To avoid potential impacts to nesting swallows, paint removal and bridge painting shall take place between August 16 and March 31 or swallows shall be excluded from nesting on the bridge between April 1 and August 15. If netting is used to exclude swallows from nesting on bridge, a fine mesh material (plastic, cloth, sun shade material, etc.) shall be used to prevent swallows and/or bats from getting tangled in the net.
- 2.9 Bat Avoidance. To avoid potential impacts to day roosting bats, prior to April 1 during the first year of construction, pipe insulation foam or a similar material shall be placed in the 2 bridge joints, located over the river and shall be removed following construction.
- 2.10 Vegetation Removal. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. Except for the trees specifically identified for removal in the notification, no native trees with a trunk diameter at breast height (DBH) in excess of four (4) inches shall be removed or damaged without prior consultation and approval of a Department representative. Using hand tools (clippers, chain saw, etc.), trees may be trimmed to the extent necessary to gain access to the work sites. When removing riparian vegetation, efforts shall be made to leave the root system intact by not cutting below ground level to encourage regeneration of riparian vegetation following construction.
- 2.11 Sediment Control. Precautions to minimize turbidity/siltation shall be taken into account during project planning and implementation. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches. Passage of sediment beyond the sediment barrier(s) is prohibited. If any sediment barrier fails to retain sediment, corrective measures shall be taken. The sediment barrier(s) shall be maintained in good operating condition throughout the construction period and the following rainy season. Maintenance includes, but is not limited to, removal of accumulated silt and/or replacement of damaged silt fencing, coir logs, coir rolls, and/or straw bale dikes. The Permittee is responsible for the removal of non-biodegradable silt barriers (such as plastic silt fencing) after the disturbed areas have been stabilized with erosion control vegetation (usually after the first growing season). Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective Department approved control devices are installed or abatement procedures are initiated.
- 2.12 Pollution Control. Utilize Best Management Practices (BMPs) to prevent spills and leaks into water bodies. If maintenance or refueling of vehicles or equipment must occur on-site, use a designated area and/or a secondary containment, located

away from drainage courses to prevent the runoff of storm water and the runoff of spills. Ensure that all vehicles and equipment are in good working order (no leaks). Place drip pans or absorbent materials under vehicles and equipment when not in use. Ensure that all construction areas have proper spill clean up materials (absorbent pads, sealed containers, booms, etc.) to contain the movement of any spilled substances. Any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. Any of these materials, placed within or where they may enter a stream or lake by the Applicant or any party working under contract or with the permission of the Permittee, shall be removed immediately. DFG shall be notified immediately by the Permittee of any spills and shall be consulted regarding clean-up procedures.

3. Compensatory Measures

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

- 3.1 Site Restoration. All exposed/disturbed areas and access points within the stream zone left barren of vegetation as a result of the construction activities shall be restored using locally native grass seeds, locally native grass plugs and/or a mix of quick growing sterile non-native grass with locally native grass seeds. Seeded areas shall be covered with broadcast straw and/or jut netted (monofilament erosion blankets are not authorized).
- 3.2 Riparian Mitigation. Following construction, willow cuttings shall be collected on-site and planted along the toe of the eroded section of river bank upstream of the bridge.

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1 The Permittee shall notify DFG within two working days of beginning work within the stream zone of MFFR. Notification shall be submitted as instructed in Contact Information section below. Email notification is preferred.
- 4.2 Upon completion of the project activities described in this agreement, the work area within the stream zone shall be digitally photographed. Photographs shall be submitted to DFG within two days of completion. Photographs and project commencement notification shall be submitted as instructed in Contact Information section below. Email submittal is preferred.

CONTACT INFORMATION

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

notice to the other. Refer to the project's Notification Number when submitting documents to DFG.

To Permittee:

California Department of Transportation
Eric Orr
1657 Riverside Drive
Redding, CA 96001
Phone: 530-225-2455

To DFG:

Department of Fish and Game
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
Attn: Lake and Streambed Alteration Program – Gary L. Hobgood
Notification #1600-2010-0161 R2
Fax: 916-358-2912
ghobgood@dfg.ca.gov

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

The Permittee shall notify DFG where conflicts exist between the provisions of this agreement and those imposed by other regulatory agencies. Unless otherwise notified, the Permittee shall comply with the provision that offers the greatest protection to water quality, species of special concern and/or critical habitat.

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

AMENDMENT

DFG may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by Permittee and DFG.

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

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective,

unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter DFG approves the transfer or assignment in writing.

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

This Agreement shall expire on December 31, 2014, 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.

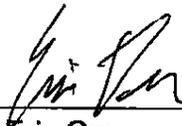
AUTHORIZATION

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 DFG in accordance with FGC section 1602.

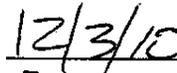
CONCURRENCE

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

**FOR CALIFORNIA DEPARTMENT OF
TRANSPORTATION**



Eric Orr

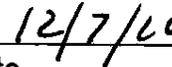


Date

FOR DEPARTMENT OF FISH AND GAME



Kent Smith
Regional Manager



Date

Prepared by: Gary L. Hobgood
Staff Environmental Scientist