

FOR CONTRACT NO.: 05-0R8104

PROJECT ID: 0500000380

INFORMATION HANDOUT

WATER QUALITY

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
(WATER QUALIFY CERTIFICATION NO. 32711WQ10)

PERMITS

UNITED STATES ARMY CORPS OF ENGINEERS
(NON-REPORTING NATIONWIDE 404 PERMIT)
(FILE NO. 2011-00277S)

CALIFORNIA COASTAL COMMISSION
(NOTICE OF PERMIT WAIVER EFFECTIVENESS)
(COASTAL DEVELOPMENT PERMIT WAIVER 3-09-038-W)

AGREEMENTS

CALIFORNIA DEPARTMENT OF FISH AND GAME
(FINAL LAKE OR STREAMBED ALTERATION AGREEMENT)
(NOTIFICATION NO. 1600-2011-0132-R4)

ENCROACHMENT PERMITS

U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE
(SPECIAL USE PERMIT)
(AUTHORIZATION ID: MRD1122)

ROUTE: 1-Mon-PM-0.3.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

**NOTICE OF PERMIT WAIVER EFFECTIVENESS**

Date: December 16, 2009
To: Caltrans District 5, attention: Ryelle Leverett
From: Dan Carl, Central Coast District Manager *DCarl*
Katie Morange, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-09-038-W

Please note that CDP Waiver 3-09-038-W was reported to the California Coastal Commission on December 11, 2009 and became effective as of that date. CDP Waiver 3-09-038-W allows for:

Abandonment of one existing culvert; partial fill of an existing 36-inch culvert and placement of a new 18-inch pipe within it; installation of a new 63-inch culvert; removal of existing inlet risers; and a new outlet energy dissipater, all of which would occur at two locations on Highway 1 (Post Mile 0.3 (Pepperwood Gulch) and Post Mile 0.9 (Silver Spur Creek)) in the Big Sur area of unincorporated Monterey County.

Please be advised that CDP Waiver 3-09-038-W only authorizes the development as proposed and described in the Commission's files; any changes to the proposed and described project may require a CDP to account for the changes or a CDP for the entire project. If you have any questions, please contact Katie Morange in the Central Coast District Office at the address and phone number above.





California Regional Water Quality Control Board

Central Coast Region



Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

Internet Address: <http://www.waterboards.ca.gov/centralcoast/>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Jerry Brown
Governor

SECTION §401 WATER QUALITY CERTIFICATION APPLICATION FORM

Applications for Water Quality Certification shall be filed in accordance with Sections 3830 through 3869 of Title 23 of the California Code of Regulations. Provide detailed information for all categories that apply to the project and include the conditions under which work will be conducted. **All applicants must fill out Sections 1-4, 9, 10 and 15 or the application will be deemed incomplete.** Attach additional sheets as necessary. Responses by references should indicate the specific document and page number (include copies). **Indicate by "NA" all sections that do not apply, along with an explanation of why the project is exempt from the section.**

1. APPLICANT/AGENT INFORMATION

a) Applicant:	b) Applicant's Representative:
California Department of Transportation (Lisa Schicker)	
Address:	Address:
50 Higuera Street	
San Luis Obispo, Ca 93401	
Phone No.: (805) 549-3628	Phone No.:
Fax No.: (805) 549-3233	Fax No.:
E mail address: lisa_schicker@dot.ca.gov	E mail address:

2. PROJECT DESCRIPTION*

a) Project Title: Pepperwood Gulch Culvert Replacement
b) Purpose/Goal: The purpose of this project is to restore proper function including drainage flow through the culvert and prevent undermining of the highway.
c) Project Activities: Caltrans proposes to replace a double pipe culvert under Highway 1 at post mile (PM) 0.3 in Monterey County. The existing culverts are deteriorated and undersized. One of the culverts would be backfilled and abandoned. Inside the other culvert a new smaller pipe would be placed and the void would be backfilled. This pipe needs to remain operational to convey subsurface flow. To convey larger flows, Caltrans proposes to install a 63" plastic pipe above the existing culverts. Rock slope protection (RSP) would be placed at the culvert outlet to dissipate hydraulic energy and prevent erosion.
d) Proposed Schedule (start-up, duration, and completion dates): The project is planned for 2012 and construction will occur during the dry season (May 1-October 31). It is expected to take approximately 51 working days.

* If, during the course of the project, the project description should change, the Regional Water Quality Control Board shall receive a written update as soon as changes are known.

3. PROJECT SITE DESCRIPTION

a) Project Location (Attach a road map of the site with waters clearly indicated and a 7.5 minute topographic map with the site outlined):

The proposed project is located just north of the Monterey, San Luis Obispo County line along State Route 1 at Post Mile 0.3.

City or Area: unincorporated, Big Sur coast County: Monterey

Longitude/Latitude: -121 degrees 20'46" N and 35 degrees 44'-56"W

Township/Range/Section: 24S, 06E, 32 Burro Mountain USGS quad

b) Area Type/Description (check as appropriate):

- | | | |
|--|--|--|
| Urban <input type="checkbox"/> | Residential <input type="checkbox"/> | Recreation <input type="checkbox"/> x |
| Agriculture <input type="checkbox"/> | Open Space <input checked="" type="checkbox"/> x | Wildlife Corridor <input type="checkbox"/> |
| Migratory Pathway <input type="checkbox"/> | Spawning Habitat <input type="checkbox"/> | |
| Threatened/Endangered Species Habitat | | Other <input type="checkbox"/> |

4. IMPACTED WATER BODIES

a) Name(s) of Receiving Water Body(ies)*: Pepperwood Gulch/Creek

b) Indicate in ACRES and LINEAR FEET (where appropriate) the proposed waters to be impacted and identify the impacts(s) as permanent and/or temporary for each water body type listed below:

Streambed:	<u>0.0065</u> permanent,	<u>0.050</u> temporary ACRES
	<u>52.0</u> permanent,	<u>116.7</u> temporary LINEAR FEET
Riparian:	_____ permanent,	_____ temporary ACRES
	_____ permanent,	_____ temporary LINEAR FEET
Lake/Reservoir:	_____ permanent,	_____ temporary ACRES
	_____ permanent,	_____ temporary LINEAR FEET
Ocean/Estuary/Bay:	_____ permanent,	_____ temporary ACRES
	_____ permanent,	_____ temporary LINEAR FEET

Acres of wetlands determined by the U.S. Army Corps of Engineers to be jurisdictional.

Jurisdictional Wetland:	_____ permanent,	_____ temporary ACRES
	_____ permanent,	_____ temporary LINEAR FEET

In addition to wetlands described above, include acres of additional wetlands beyond those determined by the U.S. Army Corps of Engineers to be jurisdictional. **

Wetland:	_____ permanent,	_____ temporary ACRES
	_____ permanent,	_____ temporary LINEAR FEET

c) Indicate in CUBIC YARDS the volume of dredged material: N/A

Indicate in CUBIC YARDS the volume and in ACRES or LINEAR FEET the area of fill material: The project would place approximately 89 cubic yards of RSP within the Water Board's jurisdiction.

Total area of disturbance within the waterbody: 0.0065 acres linear feet (if appropriate)

d) Indicate type(s) of material proposed to be dredged***: N/A

*All receiving water bodies are identified in the *Water Quality Control Plan, Central Coast Basin Region* (Basin Plan). Any unnamed/unidentified waters must be extended to an identifiable tributary.

** Whether “navigable” or not, The State and Regional Water Boards have jurisdiction over *all* waters of the state. This includes all wetlands, even those that do not fall under the jurisdiction of the Army Corps of Engineers. Whether navigable or not, an area is determined to be a wetland if it is delineated as such in accordance with the physical criteria (soils, vegetation, hydrology / line of ordinary high-water) included in current Army Corps of Engineers regulatory protocols.

*** In addition to soil types, applicants must determine if dredged soils are contaminated. Please attach chemical analyses if appropriate.

5. WATER QUALITY SAMPLING

a) What is the potential for pollutant releases resulting from the entire proposed project? (e.g. increased peak or stormwater run-off; increased run-off of urban pollutants such as nutrients, pesticides, petrochemicals; refer to CEQA guidelines, appendix G for other potential pollutant releases)

Permanent impacts to water quality are not anticipated. The project would not increase impervious surface or run-off. Temporary adverse affects to water quality may result from construction.

b) Has water quality sampling occurred? Yes No

If yes, what parameters were sampled? Please provide the data.

c) Is water quality sampling planned? Yes No

If no, why not? If yes, what parameters will be sampled?

Caltrans staff will perform visual inspections on the water bodies to monitor the water quality before, during, and after construction. Caltrans does not anticipate any significant temporary impacts to water quality because of standard implementation of BMPs as defined in the Water Pollution Control Plan (WPCP) and National Pollutant Discharge Elimination System (NPDES). The WPCP would include (at a minimum) the following Construction Site BMPs: temporary concrete washout, temporary checkdam, temporary fiber roll, straw mulch, temporary drain inlet protection, stock pile protection, temporary construction site entrance, and construction site management. After construction is complete, erosion control (duff, fiber rolls, native seed) will be used to prevent sediment from entering Pepperwood Gulch Creek.

6. DEWATERING OPERATIONS – Describe the method used to remove ground water and divert surface water if necessary to implement the proposed project. Please attach a diagram with description.

a) Discharge to Surface Water – Include name of receiving water body, estimated volume, flow rates, and management measures proposed: N/A

b) Discharge to Retention Ponds – Include Location (on-site or off-site) and Control Measures: N/A

c) Diversion of State Waters – Include Location (on-site or off-site) and Control Measures: Pepperwood gulch/Creek is typically perennial, although flows during the dry season are quite low. Therefore, a diversion will likely be necessary to complete the project. The contractor is required to design a diversion plan with appropriate BMPs that must be approved by the Caltrans’ resident engineer.

7. WASTE DISCHARGE – Projects that include waste treatment systems (e.g. septic/leachfields) should fill out this section. Discharge from any system associated with the project should be described.

a) Describe nature and composition of waste. Include projected volume (in GPD) and source (such as industrial, household, agriculture, or other):

b) Location of Treatment and Disposal System*:

c) Proposed Method of Treatment:

N/A

* Attach map if necessary

8. FEDERAL LICENSES/PERMITS

a) Federal Agency(ies):

U.S. Army Corps of Engineers Yes Other Agency? _____

File No.(s) (if known) _____

b) U.S. Army Corps of Engineers Permit Type(s) (please provide permit number(s) if known):
 Nationwide Permit No.(s): 3, most likely Regional General Permit No.(s) _____
 Individual Permit _____ Other _____

c) Does the project require any Federal Application(s), Notification(s) or Correspondence?
 Yes (attach copy(ies)) No (attach explanation)

d) Does the project require a Federal Energy Regulatory Commission (FERC) license or amendment to a FERC license?
 Yes (attach application copy) No

9. OTHER LICENSES/PERMITS/AGREEMENTS

a) Please list all other local or state required regulatory approvals (e.g. Department of Fish and Game Streambed Alteration Agreement, County Grading permit etc.) Submit final or draft copy if available.

Agency	License/Permit/Agreement	Approval Date
Ca. Department of Fish and Game	1602 Streambed Alteration Agreement	Pending
Coastal Commission	CDP Waiver	Dec. 2009

10. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) – The Regional Board is required to comply with CEQA before approving a project. 401 Certification will NOT be granted without CEQA compliance.

Indicate CEQA Document (submit final or draft copy).
 Categorical Exemption (Mitigated) Negative Declaration Environmental Impact Report
 State Clearinghouse File No.: _____
 Has the document been certified/approved, or has a Notice of Exemption been filed? Yes
 If yes, date of approval/filing: 11/21/2008 If no, expected approval/filing date: _____
 Lead Agency: Caltrans

11. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) MITIGATION

Describe all mitigation measures required for CEQA relating to the following:
****This project does not have the potential for any significant adverse impacts to environmental resources and therefore does not require any mitigation. Please refer to Box 13 for avoidance and minimization measures.****
 Biological Resources _____
 Septic Systems _____
 Soil Erosion / Grading _____
 Water Supply / Groundwater _____
 Water Quality / Hydrology _____
 Riparian _____

N/A

Wetlands _____
 Wildlife _____

12. COMPENSATORY MITIGATION

a) Indicate in ACRES and LINEAR FEET (where appropriate) the total quantity of waters proposed to be Created, Restored and/or Enhanced for purposes of providing Compensatory Mitigation:

Water Body Type	Preserved	Created	Restored	Enhanced
Jurisdictional Wetlands				
All additional Wetlands				
Streambed				
Riparian				
Lake/Reservoir				
Ocean/Estuary/Bay				

NIA

b) If contributing to a Mitigation or Conservation Bank, indicate the administrator, dollar amount, acreage, and water body type (omit if not applicable):

Bank Administrator _____
 \$ _____ for _____ acres of _____ (water body type)

NIA

c) Other Mitigation (omit if not applicable):

d) Location of Compensatory Mitigation Site(s) (attach map of suitable quality and detail):

City or Area _____ County _____
 Longitude / Latitude _____ Township / Range _____

13. OTHER ACTIONS/BEST MANAGEMENT PRACTICES (BMPs)

Briefly describe or reference other actions or BMPs to be implemented to avoid and/or minimize impacts to waters, including preservation of habitats, erosion control measures, project scheduling, flow diversions, etc.

The contractor would be required to prepare a Water Pollution Control Program (WPCP) prior to beginning construction. The WPCP would include (at a minimum) the following Construction Site BMPs: temporary concrete washout, temporary checkdam, temporary fiber roll, straw mulch, temporary drain inlet protection, stock pile protection, temporary construction site entrance, and construction site management. After construction is complete erosion control (duff, fiber rolls, native seed) will be used to prevent sediment from entering Pepperwood Gulch/Creek.

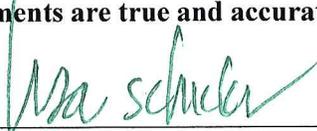
Included is a vegetation restoration plan that is adjacent to but outside the Water Board's jurisdiction. The plan includes the restoration of all disturbed riparian plants growing adjacent to the creek that would be impacted during construction. Please refer to the NES and the attached planting plan for all details. Area of construction disturbance is less than .1 acre. A landscaping contractor would maintain the plantings for a one-year plant establishment. Plant establishment entails: plant installation, watering, replacement of any failed plants, and weed control.

Briefly list/describe any projects carried out in the last 5 years or planned for implementation in the next 5 years that are in any way related to the proposed activity or may impact the same receiving body of water. Include estimated adverse impacts.

There are no projects in the last five years and no projects planned for the next five years that are related to this culvert repair and replacement at Pepperwood Gulch/Creek.

15. SIGNATURE

I hereby certify under penalty of perjury that the information provided in this application and in any attachments are true and accurate to the best of my knowledge.



Applicant's Signature (or Agent)



Date

Please forward the completed application and applicable supplemental information to:

**California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Attn. 401 Coordinator**

Should you have any questions regarding the water quality certification process, please contact our office at (805) 549-3147 or visit our website at <http://www.waterboards.ca.gov/centralcoast/>

CALIFORNIA DEPARTMENT OF FISH AND GAME
REGION 4 - CENTRAL REGION
1234 East Shaw Avenue
Fresno, California 93710



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2011-0132-R4
Pepperwood Gulch, Monterey County

CALIFORNIA DEPARTMENT OF TRANSPORTATION
CALTRANS DISTRICT 5
Lisa Schicker
50 Higuera Street
San Luis Obispo, California 93401

SR 1 PEPPERWOOD GULCH CULVERT
05-MON-1 PM 0.3 EA 05-0R8100

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Game (DFG) and California Department of Transportation Caltrans District 5 (Permittee) as represented by Lisa Schicker acting on behalf of Permittee.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified DFG on July 8, 2011, 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 Post Mile (PM) 0.3 of State Route (SR) 1 at Pepperwood Gulch, in the County of Monterey, State of California; Latitude 36° 44' 56" N, Longitude -121° 20' 46"W, Township 24 South, Range 6 East, Section 32, United States Geological Survey (USGS) map Burro Mountain, Mount Diablo meridian.

PROJECT DESCRIPTION

The Project is limited to:

- Installation of a 63-inch diameter high-density polyethylene (HDPE) culvert above two deteriorating existing 36-inch corrugated metal pipes. The new culvert will discharge into an existing three foot high flume that will be filled with rock slope protection (RSP).
- A larger size of RSP (half ton RSP) will be placed on top of the existing size # 2 RSP, adding additional protection to the outlet.
- In order to remove the inlet basin groundwater, an 18-inch HDPE under-drain with permeable material at the inlet will be placed into one of the existing 36-inch corrugated metal pipe. This under-drain will outlet at the beginning of the existing flume into the porous RSP #2 backing that will be placed to fill the flume. The other 36-inch corrugated metal pipe will be filled with concrete slurry and abandoned in place.
- No native riparian trees, shrubs or oak trees greater than four (4) inches in diameter at breast height (DBH) shall be removed as a result of planned construction activities for this Project. One California bay between four (4) to 12 inches DBH and one sycamore 12 inches DBH will need to be trimmed. Also, seven willows less than four (4) inches DBH will be removed.
- Water will be present in the wetted portion of the channel during the proposed work period, and work will be required in the wetted portion of the channel. Dewatering of the creek would occur during the low flow summer months, from May 31 through October 31. Water will be diverted around the work sites using sandbags and filter fabric and a cofferdam just upstream of the work site. Upon completion of construction activities on the creek, the materials for dewatering will be removed in a manner that will allow flow to resume with the least disturbance to the substrate.
- Equipment used will include a backhoe, excavator, grader, and trucks.

PROJECT IMPACTS

This Agreement is intended to avoid, minimize, and mitigate adverse impacts to the fish and wildlife resources that occupy the area of Pepperwood Gulch, and the immediate adjacent riparian habitat. Absent implementation of the protective measures required by this Agreement, the following species and habitat types could potentially be impacted within the area covered by this Agreement: Federal Endangered Smith's blue butterfly (*Euphilotes enoptes smithi*), as well as birds, mammals, fish, reptiles, amphibians, invertebrates and plants that comprise the local riparian ecosystem.

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 at any time to verify compliance with the Agreement.
- 1.5. Legal Obligations: This Agreement does not exempt the Permittee from complying with all other applicable local, State and Federal law, or other legal obligations.
- 1.6. Unauthorized Take: This Agreement does not authorize the "take" (defined in FGC Section 86 as to hunt, pursue, catch, capture, or kill; or attempt to hunt, pursue, catch, capture, or kill) of State- or Federal-listed threatened or endangered species. Any such "take" shall require separate permitting as may be required.
- 1.7. Water Diversion: To the extent that the Provisions of this Agreement provide for the diversion of water, they are agreed to with the understanding that the Permittee possesses the legal right to so divert such water.
- 1.8. Trespass: To the extent that the Provisions of this Agreement provide for activities that require the Permittee to trespass on another owner's property, they are agreed to with the understanding that the Permittee possesses the legal right to so trespass.
- 1.9. Construction/Work Schedule: The Permittee shall submit a **construction/work schedule** to DFG via e-mail to lpdiaz@dfg.ca.gov, with reference to

Agreement 1600-2011-0132-R4 prior to beginning any activities covered by this Agreement. The Permittee shall also notify DFG upon the completion of the activities covered by this Agreement.

- 1.10. Training: Prior to starting any activity within the stream, all employees, contractors, and visitors who will be present during Project activities shall have received training from a qualified individual on the contents of this Agreement, the resources at stake, and the legal consequences of non-compliance. A **training sign-in sheet** for the employees and contractors shall be provided to DFG and shall include the date of the training and who gave the training.

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. Construction/Work Hours: All non-emergency work activities during the construction phase will be confined to daylight hours.
- 2.2. Flagging/Fencing: Prior to any activity within the lake or creek, the Permittee shall identify the limits of the required access routes and encroachment into the stream. These "work area" limits shall be identified with brightly colored flagging/fencing. Work completed under this Agreement shall be limited to this defined area only. Flagging/fencing shall be maintained in good repair for the duration of the Project. All areas beyond the identified work area limits shall be considered Environmentally Sensitive Areas (ESA) and shall not be disturbed.
- 2.3. Listed Species: This Agreement does not allow for the "take," or "incidental take," of any State- or Federal-listed threatened or endangered species.
 - 2.3.1. The Permittee affirms that no "take" of listed species will occur as a result of this Project and will take prudent measures to ensure that all "take" is avoided. The Permittee acknowledges that they fully understand that they do not have "incidental take" authority. If any State- or Federal-listed threatened or endangered species occur within the proposed work area or could be impacted by the work proposed, and thus "taken" as a result of Project activities, the Permittee is responsible for obtaining and complying with required State and Federal threatened and endangered species permits or other written authorization before proceeding with this Project.
 - 2.3.2. Liability for any "take," or "incidental take," of such listed species remains the separate responsibility of the Permittee for the duration of the Project.

2.3.3. The Permittee shall immediately notify DFG of the discovery of any such rare, threatened, or endangered species prior to and/or during construction.

2.4. Fish and Wildlife: If any fish or wildlife is encountered during the course of construction, said fish and wildlife shall be allowed to leave the construction area unharmed.

2.4.1. An approved biologist shall perform **general wildlife surveys** of the Project area (including access routes and storage areas) prior to Project construction start with particular attention to evidence of the presence of the species listed above and shall report any possible adverse affect to fish and wildlife resources not originally reported. If the survey shows presence of any wildlife species which could be impacted, Permittee shall contact DFG and mitigation, specific to each incident, shall be developed. If any State- or Federal-listed threatened or endangered species are found within the proposed work area or could be impacted by the work proposed, a new Agreement and/or a 2081(b) State Incidental Take Permit may be necessary and a new CEQA analysis may need to be conducted, before work can begin.

2.4.2. To protect nesting birds, no construction shall be completed from February 15 through August 31 unless the following **avian surveys** are completed by a qualified biologist:

- **Raptors:** Survey for nesting activity of raptors within a 0.25-mile radius of the construction site. Surveys shall be conducted at appropriate nesting times and concentrate on trees with the potential to support raptor nests. If any active nests are observed, these nests and nest trees shall be designated an ESA and protected (while occupied) with a minimum 500-foot buffer during Project construction unless otherwise agreed upon and approved in writing by DFG.
- **Other Avian Species:** Survey riparian areas for nesting activity within a 0.25-mile radius of the defined work area two (2) to three (3) weeks before construction begins. If any nesting activity is found, these nests and nest trees shall be designated an ESA and protected (while occupied) with a minimum 250-foot buffer during Project construction unless otherwise agreed upon and approved in writing by DFG.

2.5. Vegetation: The disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations and shall only occur within the defined work area. Precautions shall be taken to avoid other damage to vegetation by people or equipment. Vegetation or material removed from the riparian area shall not be stockpiled in the streambed or on its banks

without measures to ensure its stability, preventing accidental discharge into the stream.

2.5.1. No native riparian trees, shrubs or oak trees greater than four inches DBH shall be removed as a result of planned construction activities for this Project. One California bay between four to 12 inches DBH and one sycamore 12 inches DBH will need to be trimmed. Also, seven willows less than four inches DBH will be removed.

2.6. Vehicles and Equipment: Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic and terrestrial life.

2.6.1. Construction vehicle access to the stream's banks and bed shall be limited to predetermined ingress and egress corridors on existing roads. All other areas adjacent to the work site shall be considered an ESA and shall remain off-limits to construction equipment. Vehicle corridors and the ESA shall be identified by the Permittee's resident engineer in consultation with the approved biologist.

2.7. Staging and Storage Areas: Staging and storage areas for equipment, materials, fuels, lubricants, and solvents shall be located outside of the stream channel and banks, and to the extent possible, on previously disturbed ground. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream, shall be positioned over drip-pans. Vehicles shall be moved away from the stream prior to refueling and lubrication.

2.8. Pollution: The Permittee and all contractors shall be subject to the water pollution regulations found in the FGC sections 5650 and 12015.

2.8.1. Raw cement, concrete or washings thereof, asphalt, drilling fluids or lubricants, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to fish or wildlife resulting from or disturbed by Project-related activities, shall be prevented from contaminating the soil and/or entering the "Waters of the State."

2.8.2. All Project-generated debris, building materials, and rubbish shall be removed from the stream and from areas where such materials could be washed into the stream.

2.8.3. In the event that a spill occurs, all Project activities shall immediately cease until cleanup of the spilled materials is

completed. DFG shall be notified immediately by the Permittee of any spills and shall be consulted regarding cleanup procedures.

- 2.9. Structures: The Permittee shall confirm that all structures are designed (i.e., size and alignment), constructed and maintained such that they shall not cause long-term changes in water flows that adversely modify the existing upstream or downstream stream bed/bank contours or increase sediment deposition or cause significant new erosion.
- 2.10. Stream Diversion: Temporary diversion structures used to isolate the work area shall be constructed in a manner that prevents seepage from the work area. Said structures shall be constructed of non-erodible materials unless enclosed by protective material. The structure, including all fill, enclosure material, and trapped sediments, shall be removed when the Project is completed. Dewatering shall be done in a manner that is not harmful to fish or other aquatic or semi-aquatic wildlife. Pump inflow tubes or hoses shall be contained within a 0.5-millimeter mesh-screened cage to exclude aquatic wildlife that may otherwise be harmed in the process.
- 2.11. Fill: Rock, gravel, and/or other materials shall not be imported into or moved within the stream, except as otherwise addressed in this Agreement. Only on-site materials and clean imported fill shall be used to complete the Project. Fill shall be limited to the minimal amount necessary to accomplish the agreed activities. Excess and temporary fill material shall be moved off-site at Project completion.
- 2.12. Spoil: Spoil storage sites shall not be located within the stream, where spoil will be washed into the stream, or where it will cover aquatic or riparian vegetation. Rock, gravel, and/or other materials shall not be imported into or moved within the bed or banks of the stream, except as otherwise addressed in this Agreement.
- 2.13. Erosion: No work within the banks of the stream will be conducted during or immediately following large rainfall events, or when there is water flowing within the channel. All disturbed soils within the Project site shall be stabilized to reduce erosion potential, both during and following construction. Temporary erosion control devices, such as straw bales, silt fencing, and sand bags, may be used as appropriate to prevent siltation of the stream. Any installation of non-erodible materials not described in the original Project description shall be coordinated with DFG. Coordination may include the negotiation of additional Agreement Provisions for this activity.
- 2.14. Turbidity: Turbid water shall not be discharged into the stream, or created within the stream. The Permittee's ability to minimize siltation shall be the subject of preconstruction planning and feature implementation. Precautions to minimize siltation may require that the work site be isolated so that silt or other deleterious materials are not allowed to pass to downstream reaches. The placement of any structure or materials in the

stream for this purpose, not included in the original Project description, shall be coordinated with DFG. If it is determined that silt levels resulting from Project-related activities constitute a threat to aquatic life, activities associated with the siltation shall be halted until effective DFG-approved control devices are installed, or abatement procedures are initiated.

- 2.15. Restoration: Excess material must be removed from the Project site, pursuant to Department of Transportation Standard Specifications Section 7-1.13

2.15.1. All disturbed soils and new fill, including recontoured slopes and all other cleared areas, shall be revegetated with riparian vegetation or other plants, as appropriate to prevent erosion. If the Project causes any exposed slopes or exposed areas on the stream banks, these areas shall be seeded with a blend of a minimum of three (3) locally native grass species and covered with a protective layer of weed-free straw or mulch. One (1) or two (2) sterile non-native perennial grass species may be added to the seed mix provided that amount does not exceed 25 percent of the total seed mix by count. Locally native wildflower and/or shrub seeds may also be included in the seed mix. The seeding shall be completed as soon as possible, but no later than November 15 of the year construction ends. A **seed mixture** shall be submitted to DFG for approval prior to application. At the discretion of DFG, all exposed areas where seeding is considered unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding, straw, or mulch as soon as is practical on a date mutually agreed upon.

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. Revegetation: The Notification states that no trees need to be removed for the implementation of this Project. If any native riparian trees or shrubs greater than four (4) inches in DBH is/are accidentally damaged or removed from the Project area due to unplanned construction activities, the Permittee shall develop a **Revegetation Plan** for the site and immediately submit it to DFG for approval. All Plans shall specifically address what, where, when, and how replacement shrubs and trees will be planted.

3.1.1. What species and the number of trees both removed and to be planted should be identified. Native riparian trees and shrubs (e.g., cottonwood, willow, sycamore, valley oak, etc.) between four (4) to 25-inches DBH shall be replaced in-kind at a ratio of 3:1, and trees greater than 25-inches DBH shall be replaced at a ratio of 10:1.

- 3.1.2. Where should be on-site whenever possible.
- 3.1.3. When should be the first suitable season after construction is complete.
- 3.1.4. How should include layout, monitoring, and maintenance to ensure a minimum of 70 percent survival for the plantings after five (5) years.

4. Monitoring and Reporting Measures

Permittee shall meet each reporting and monitoring requirement described below.

4.1. Monitoring Obligations of the Permittee:

- 4.1.1. The Permittee shall have primary responsibility for monitoring compliance with all protective measures included as "Measures" in this Agreement. Protective measures must be implemented within the time periods indicated in the Agreement. DFG shall be notified immediately if monitoring reveals that any of the protective measures were not implemented during the period indicated in this program, or if it anticipates that measures will not be implemented within the time period specified.
- 4.1.2. The Permittee (or the Permittee's designee) shall ensure the implementation of the Measures of the Agreement, and shall monitor the effectiveness of these Measures. DFG shall be notified immediately if any of the protective measures are not providing the level of protection that is appropriate for the impact that is occurring, and recommendations, if any, for alternative protective measures.

4.2. Reporting Obligations of the Permittee:

- 4.2.1. The Permittee shall submit the following Reports described in the Measures above to DFG:
 - Construction/work schedule (Measure 1.9).
 - Employees and contractors training sign-in sheet (Measure 1.10).
 - Results of general wildlife surveys (Measure 2.4.1).
 - Results of avian surveys if construction is scheduled during the nesting season (Measure 2.4.2).
 - The seed mixture to be used post Project for erosion control (Measure 2.15.1).

- If required, a Revegetation Plan (Measure 3.1).

4.2.2. A Final Project Report shall be submitted to DFG within 30 days after the Project is completed. The final report shall summarize the Project construction, including any problems relating to the protective measures of this Agreement and how the problems were resolved. "Before and after" photo documentation of the Project site shall be included.

VERIFICATION OF COMPLIANCE:

DFG may verify compliance with protective measures to ensure the accuracy of Permittee's monitoring and reporting efforts at any point in time it is deemed necessary. DFG may, at its sole discretion, review relevant Project documents maintained by the Permittee, interview Permittee employees and agents, inspect the Project area, and take other actions to assess compliance with or effectiveness of protective measures for the Project.

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 United States mail, fax, or email, or to such other address as Permittee or DFG specifies by written notice to the other.

To Permittee:

California Department of Transportation (Caltrans)
District 5
Lisa Schicker
50 Higuera Street
San Luis Obispo, California 93401
(805) 549-3628
Fax: (805) 549-3233
lisa.schicker@dot.ca.gov
cc: chuck.cesena@dot.ca.gov

To DFG:

Department of Fish and Game
Region 4 - Central Region
1234 East Shaw Avenue
Fresno, California 93710
Attn: Lake and Streambed Alteration Program – Laura Peterson-Diaz
Notification #1600-2011-0132-R4
Phone: (559) 243-4017, extension 225
Fax: (559) 243-4020
lpdiaz@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).

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 if DFG 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 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 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 remain in effect for five (5) years beginning on the date signed by DFG, 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.

CEQA COMPLIANCE

In approving this Agreement, DFG is independently required to assess the applicability of CEQA. The features of this Agreement shall be considered as part of the overall Project description. The Permittee's concurrence signature on this Agreement serves as confirmation to DFG that the activities that shall be conducted under the terms of this Agreement are consistent with the Project described in Notification No. 2011-0132-R4. Caltrans, as CEQA Lead agency, signed a Class 1 Categorical Exemption on August 4, 2009. DFG, as a CEQA Responsible Agency, shall submit a Notice of Exemption to the State Clearinghouse upon signing this Agreement. DFG's concurrence with Caltrans CEQA Determination is based upon the Permittee's commitment to full implementation of the Measures of this Agreement.

EXHIBITS

The document(s) listed below is included as an exhibit to the Agreement and incorporated herein by reference.

A. Figure 1. Project Location USGS Quad Map.

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.

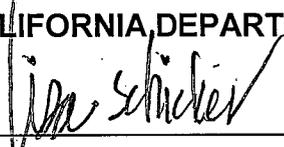
AUTHORIZATION

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

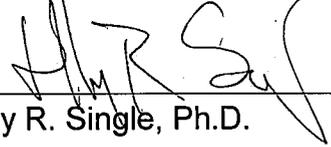


Lisa Schicker
Associate Biologist

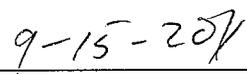


Date

FOR DEPARTMENT OF FISH AND GAME



Jeffrey R. Single, Ph.D.
Regional Manager



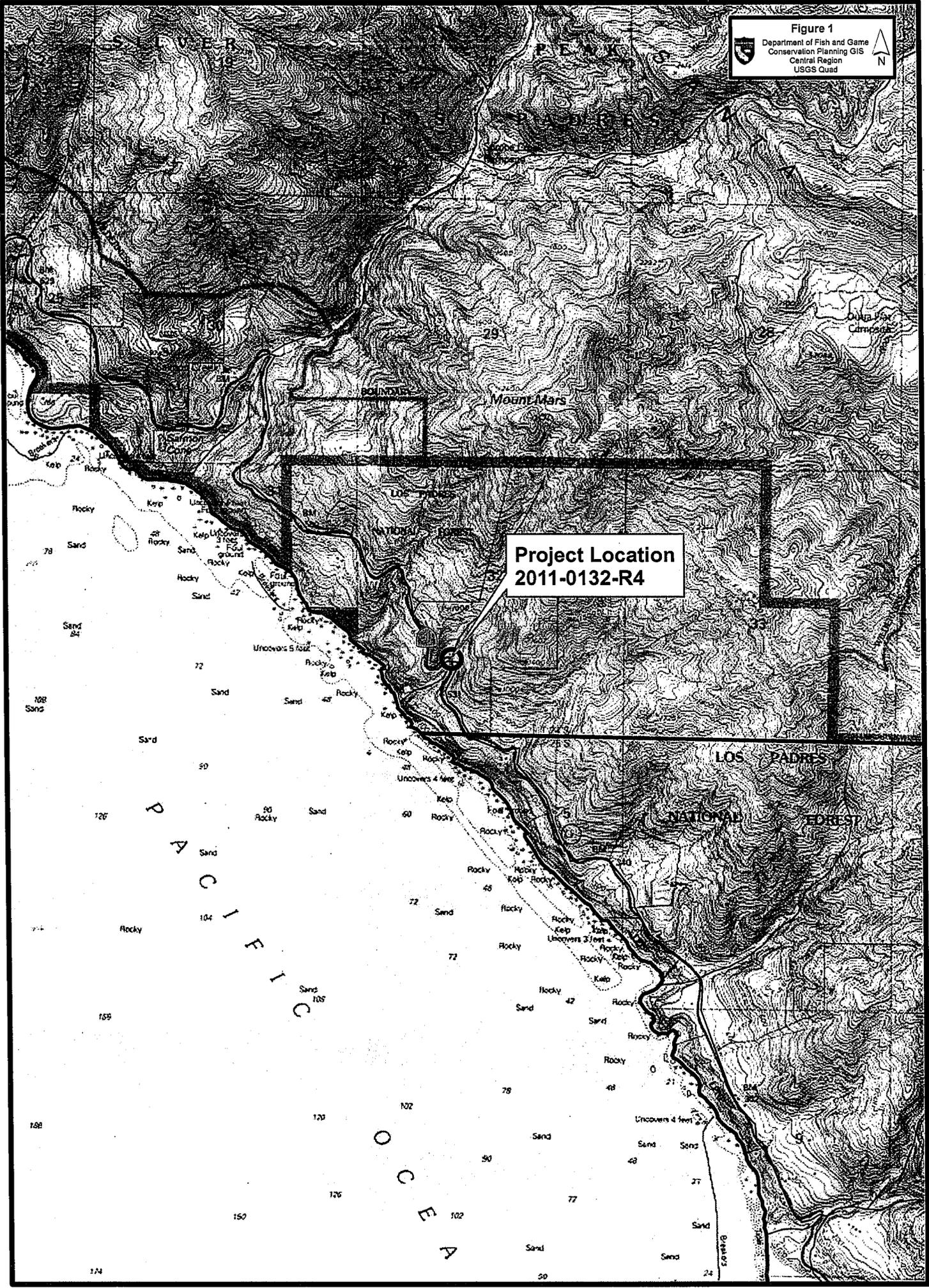
Date

Prepared by: Laura Peterson-Diaz
Environmental Scientist

Figure 1

Exhibit A

Figure 1
Department of Fish and Game
Conservation Planning GIS
Central Region
USGS Quad





DEPARTMENT OF FISH AND GAME



Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
<http://www.dfg.ca.gov>

September 12, 2011

Lisa Schicker
California Department of Transportation
Caltrans District 5
50 Higuera Street
San Luis Obispo, California 93401

Subject: Final Lake or Streambed Alteration Agreement
Notification No. 1600-2011-0132-R4
Pepperwood Gulch, Monterey County
SR 1 Pepperwood Gulch Culvert
05-MON-1 PM 0.3 EA 05-OR8100

Dear Ms. Schicker:

Enclosed is the final Streambed Alteration Agreement (Agreement) for the SR 1 Pepperwood Gulch Culvert (Project). Before the Department of Fish and Game (Department) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, the Department, acting as a Responsible Agency, determined your Project is exempt from CEQA and filed a Notice of Exemption (NOE) on the same date it signed the Agreement.

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

If you have any questions regarding this matter, please contact Laura Peterson-Diaz, Environmental Scientist, at (559) 243-4014, extension 225, or lpdiaz@dfg.ca.gov.

Sincerely,

Jeffrey R. Single, Ph.D.
Regional Manager

Enclosures

cc: Laura Peterson-Diaz
Department of Fish and Game



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET, 16TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103-1398

SEP 16 2011

Regulatory Division

SUBJECT: File Number 2011-00277S

Ms. Lisa Schicker
California Department of Transportation
50 Higuera Street
San Luis Obispo, California 93401

Dear Ms. Schicker:

This correspondence is in reference to your submittal of July 21, 2011 on behalf of the California Department of Transportation (Caltrans) concerning Department of the Army authorization to replace two deteriorated culverts that convey Pepperwood Gulch under Highway 1 located in Monterey County, approximately 0.3 miles north of the County Line between San Luis Obispo and Monterey Counties (35.79909, -121.34627).

Work within U.S. Army Corps of Engineers' (Corps) jurisdiction will include using cut and cover to replace the double 36-inch culverts and to place a new 60 foot long, 63-inch pipe; installation of a headwall with two wing walls at the inlet; installation of a down drain system attached to the 63-inch culvert at the outlet; and installation of rock slope protection at the outlet above and partially within an existing flume (283.14 square feet). The two 36-inch culverts will be filled completely with slurry. If necessary, the project site will be dewatered using sandbags and filter fabric to divert water around the project site. After construction the project area will be replanted. Project related activities will temporarily impact 0.05 acre and will permanently impact 0.0065 acre of Pepperwood Gulch a Water of the U.S. with placement of 89 cubic yards of fill. All work shall be completed in accordance with the plans and drawings titled "*USACE File #2011-00277S, Pepperwood Gulch Culvert Replacement Mon 1 Post Mile 0.3, August 5, 2011, Figures 1 to 10*" provided as enclosure 1.

Based on a review of the information in your submittal, the project qualifies for authorization under Department of the Army Nationwide Permit (NWP) 14 for Linear Transportation Projects (72 Fed. Reg. 11092, March 12, 2007), pursuant to Section 404 of the Clean Water Act (CWA) of 1972, as amended (33 U.S.C. § 1344 *et seq.*). Section 404 of the Clean Water Act generally regulates the discharge of dredged or fill material below the plane of ordinary high water in non-tidal waters of the United States, below the high tide line in tidal waters of the United States, and within the lateral extent of wetlands adjacent to these waters. A Preliminary Jurisdictional Determination (JD) has been completed for your site. Preliminary JDs are written indications that there may be waters of the U.S. on a parcel or indications of the approximate location(s) of waters of the U.S. on a parcel. Preliminary JDs are advisory in nature and may not be appealed.

The project must be in compliance with the NWP terms, NWP general conditions, and the San Francisco District's regional conditions cited in enclosure 2. You must also be in compliance with any special conditions specified in this letter for the NWP authorization to remain valid. Non-compliance with any term or condition could result in the revocation of the NWP authorization for your project, thereby requiring you to obtain an Individual Permit from the Corps. This NWP authorization does not obviate the need to obtain other State or local approvals required by law.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have twelve months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP. Upon completion of the project and all associated mitigation requirements, you shall sign and return the Certification of Compliance, enclosure 3, verifying that you have complied with the terms and conditions of the permit.

This authorization will not be effective until you have obtained a Section 401 water quality certification from the San Luis Obispo Regional Water Quality Control Board (RWQCB). If the RWQCB fails to act on a valid request for certification within two (2) months after receipt of a complete application, the Corps will presume a waiver of water quality certification has been obtained. You shall submit a copy of the certification to the Corps prior to the commencement of work.

This authorization will not be effective until you have obtained a concurrence from the California Coastal Commission (Commission) that your project will comply with California's Coastal Zone Management Act. If the Commission fails to act on a valid request for concurrence with your certification within six (6) months after receipt, the Corps will presume a concurrence has been obtained. You shall submit a copy of the concurrence to the Corps prior to the commencement of work.

General Condition 18 stipulates that any project affecting a historic property may not commence construction until the provisions of 33 CFR Part 325, Appendix C, have been satisfied. As the principal lead agency, the Federal Highway Administration assigned the California Department of Transportation (Caltrans) the responsibility for the consultation with the State Historic Preservation Officer (SHPO). Caltrans initiated consultation with the SHPO to address project related impacts to a retaining wall (P-27-002433) that was found to be a contributing element to the Carmel to San Simeon Highway Historic District listed in the National Register of Historic Places. A Memorandum of Agreement (MOA) signed on September 8, 2008, cited in enclosure 4, titled "*Completion of Section 106 Studies for the*

Pepperwood Gulch Culvert Replacement, Route 1, Monterey County”, was finalized. Project authorization under the NWP is conditional upon your compliance with the mandatory stipulations of the MOA cited in enclosure 4. Failure to comply with the stipulation requirements would constitute non-compliance with the NWP authorization for your project.

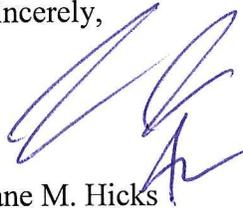
To ensure compliance with this NWP authorization, the following special conditions shall be implemented:

1. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites.
2. Temporary fills must consist of materials, and be placed in a manner, that would not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations.
3. The areas affected by temporary fills must be revegetated, as appropriate.
4. On-site mitigation will be achieved through re-vegetation and monitoring of the project area as outlined in the “*Appendix C: Restoration and Revegetation Recommendations*” dated July 15, 2009 provided as part of the Natural Environmental Study. A 5-year management and monitoring program will be implemented as outlined in the above mentioned plan. Annual monitoring reports shall be submitted to the Corps by January 30th of each year.
5. The project site shall be monitored annually for five years to qualitatively assess channel conditions in the areas surrounding the culvert removal. Evidence of channel instability, such as migrating headcuts, substantial changes in bedload characteristics, or bank erosion shall be documented. If such conditions develop, remediation measures shall be implemented upon approval from the Corps in writing. Photographs and a brief summary discussion shall be provided with the annual monitoring report. The report shall be submitted to the Corps by January 30th of each year.
6. Project authorization under the NWP is conditional upon your compliance with the mandatory stipulations of the Memorandum of Agreement signed on September 8, 2008, enclosure 4, titled “*Completion of Section 106 Studies for the Pepperwood Gulch Culvert Replacement, Route 1, Monterey County*”.

You may refer any questions on this matter to Paula Gill of my Regulatory staff by telephone at 415-503-6776 or by e-mail at Paula.C.Gill@usace.army.mil. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. My Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner, while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website: <http://www.spn.usace.army.mil/regulatory/>.

Sincerely,



Jane M. Hicks
Chief, Regulatory Division

Enclosures

Copy Furnished (w/ encl 1 only):
CA RWQCB, CA

Copies Furnished (w/o encls):
U.S. EPA, San Francisco, CA
CA SWRCB, Sacramento, CA

Enclosure 1:

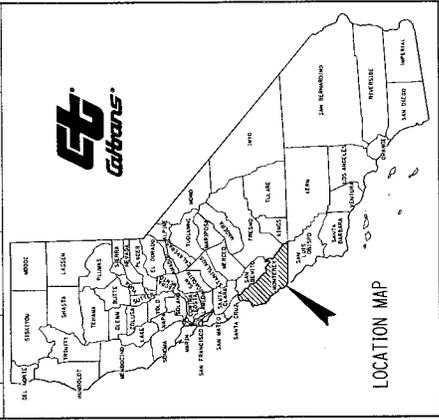
USACE File #2011-00277S
 Pepperwood Gulch Culvert Replacement
 Mon 1 Post Mile 0.3
 August 5, 2011
 Figure 1 of 10



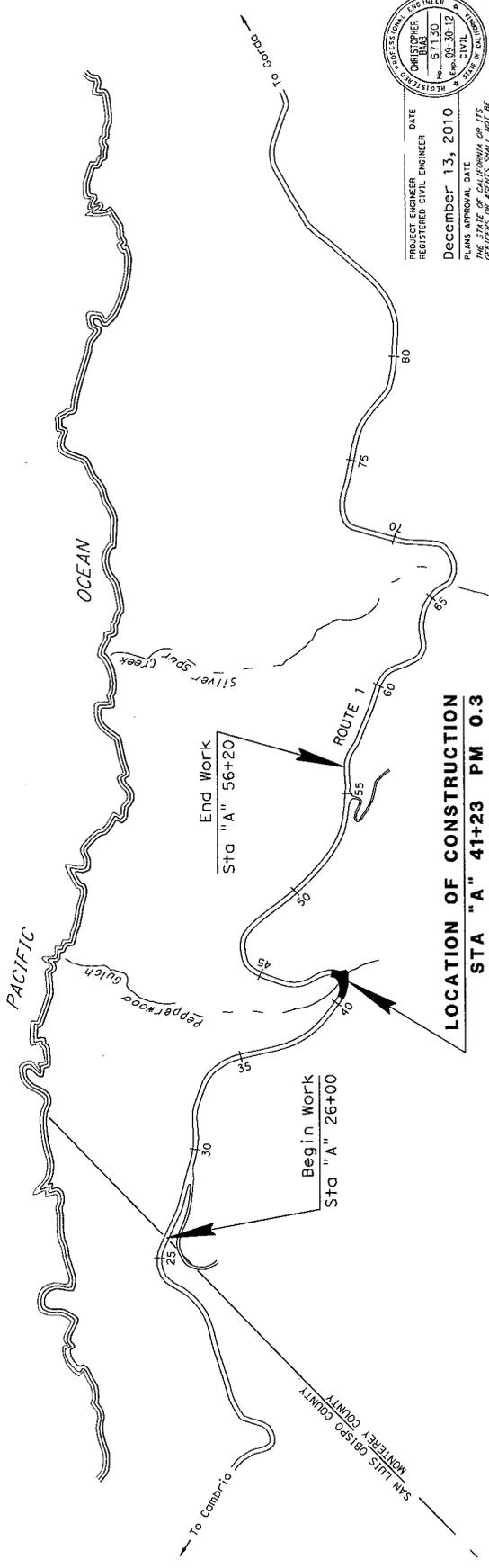
U.S. Army Corps of Engineers District of Engineers San Francisco District Regulatory Division

INDEX OF PLANS

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
 PROJECT PLANS FOR CONSTRUCTION ON
 STATE HIGHWAY
 IN MONTEREY COUNTY
 ABOUT 10.0 MILES SOUTH OF GORDA
 AT PEPPERWOOD GULCH



TO BE SUPPLEMENTED BY STANDARD PLANS DATED MAY 2006



DESIGN ENGINEER JOHN FOUCHE	PROJECT MANAGER KEN DOSTALEK
--------------------------------	---------------------------------

REGISTERED PROFESSIONAL ENGINEER
 REGISTERED CIVIL ENGINEER
 CHRISTOPHER BARR
 No. 67130
 Exp. 08-30-13
 STATE OF CALIFORNIA
 CIVIL
 December 13, 2010
 PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA OR ITS
 AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR
 COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

CONTRACT No.	05-OR8104
PROJECT ID	05000003804
PROJECT NUMBER & PHASE	05000003801
UNIT	1449

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

BORDER LAST REVISED 7/27/2010 CALTRANS WEB SITE IS: [HTTP://WWW.DOT.CA.GOV/](http://WWW.DOT.CA.GOV/)

NO. SCALE

RELATIVE BORDER SCALE 0 1 2 3
 15 IN INCHES

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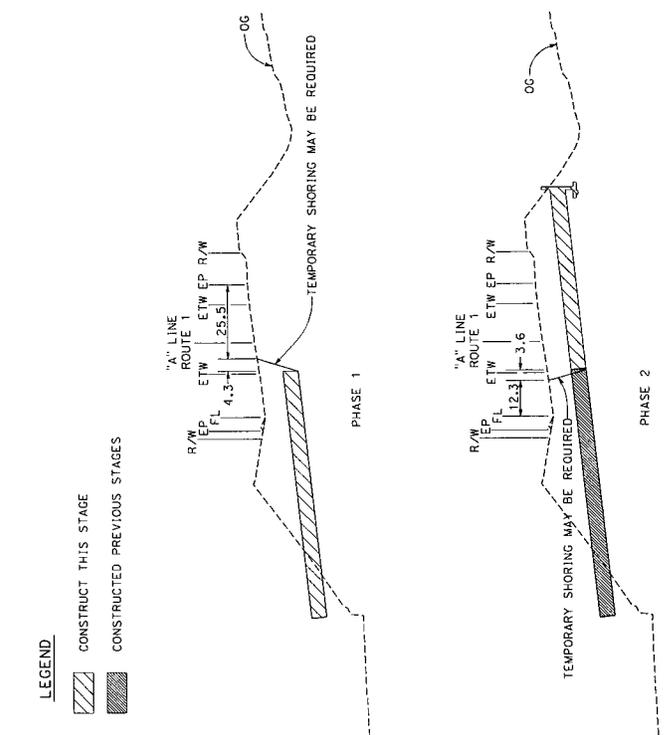
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 TIME PLOTTED -> 09:16
 1-2-21-10

USACE File #2011-002775
 Pepperwood Gulch Culvert Replacement
 Mon 1 Post Mile 0.3
 August 5, 2011
 Figure 2 of 10

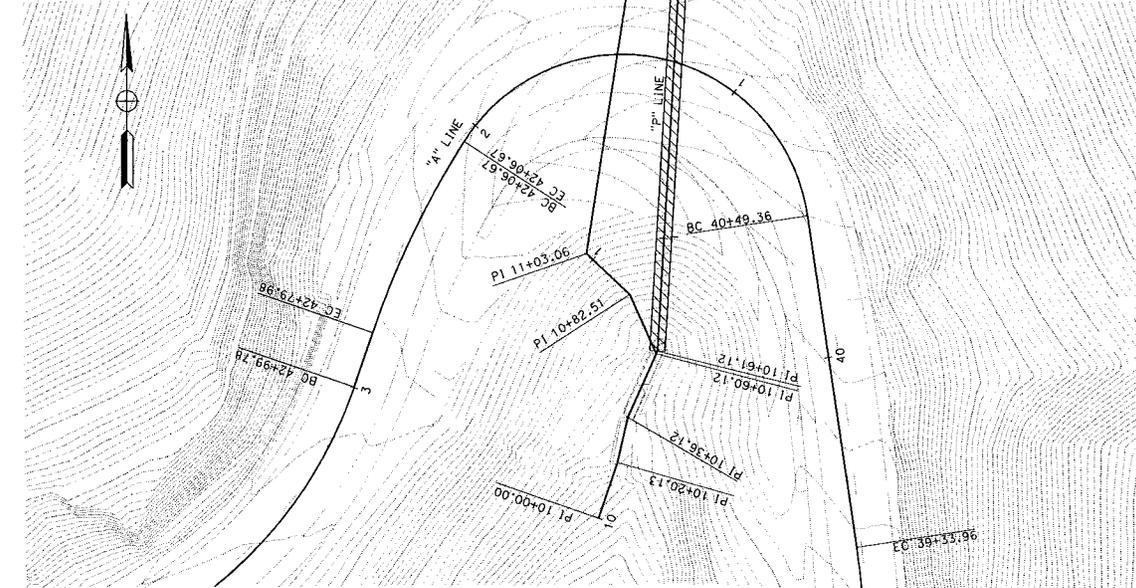


U.S. Army Corps
 of Engineers
 San Francisco District
 Regulatory Division

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	JOHN FOUCHE
DESIGNED BY	CHRISTOPHER BAAB	DATE REVISION
CHECKED BY	MARK CRESSWELL	DATE REVISION



LEGEND
 CONSTRUCT THIS STAGE
 CONSTRUCTED PREVIOUS STAGES



- NOTES:**
- 1. CONSTRUCT 63" CULVERT FROM STA 10+52 TO STA 11+47. (1)e
 - 2. CONSTRUCT 63" CULVERT FROM STA 11+47 TO STA 12+09. (1)e
 - 3. CONSTRUCT HEAD AND WINGWALLS FROM STA 12+09 TO STA 12+18. (1)e
 - 4. FOR COMPLETE PROJECT CONTROL AND MONUMENTATION DATA, SEE THE SURVEY RECORDS ON FILE IN THE SURVEY'S DEPARTMENT AT THE DISTRICT OFFICE.

STAGE CONSTRUCTION
 (STAGE 1)
 SCALE 1" = 20'

BORDER LAST REVISED 7/2/2010
 USERNAME: p5112828
 DCN FILE # 0500003801.dgn
 PROJECT NUMBER & PHASE: 0500003801
 UNIT 1449
 RELATIVE BORDER SCALE: 15 IN INCHES
 DATE PLOTTED: 07-JUN-2011
 TIME PLOTTED: 09:16

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
05	Mcn	1	0.3		

REGISTERED CIVIL ENGINEER DATE
 REGISTERED CIVIL ENGINEER DATE
 REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA ON THE OFFICE OF THE REGISTERED CIVIL ENGINEER
 NO. 67130
 EXPIRES 9-30-12
 CIVIL ENGINEER
 STATE OF CALIFORNIA



U.S. Army Corps
of Engineers
San Francisco District
Regulatory Division

USACE File #2011-00277S
Pepperwood Gulch Culvert Replacement
Mon 1 Post Mile 0.3
August 5, 2011
Figure 3 of 10

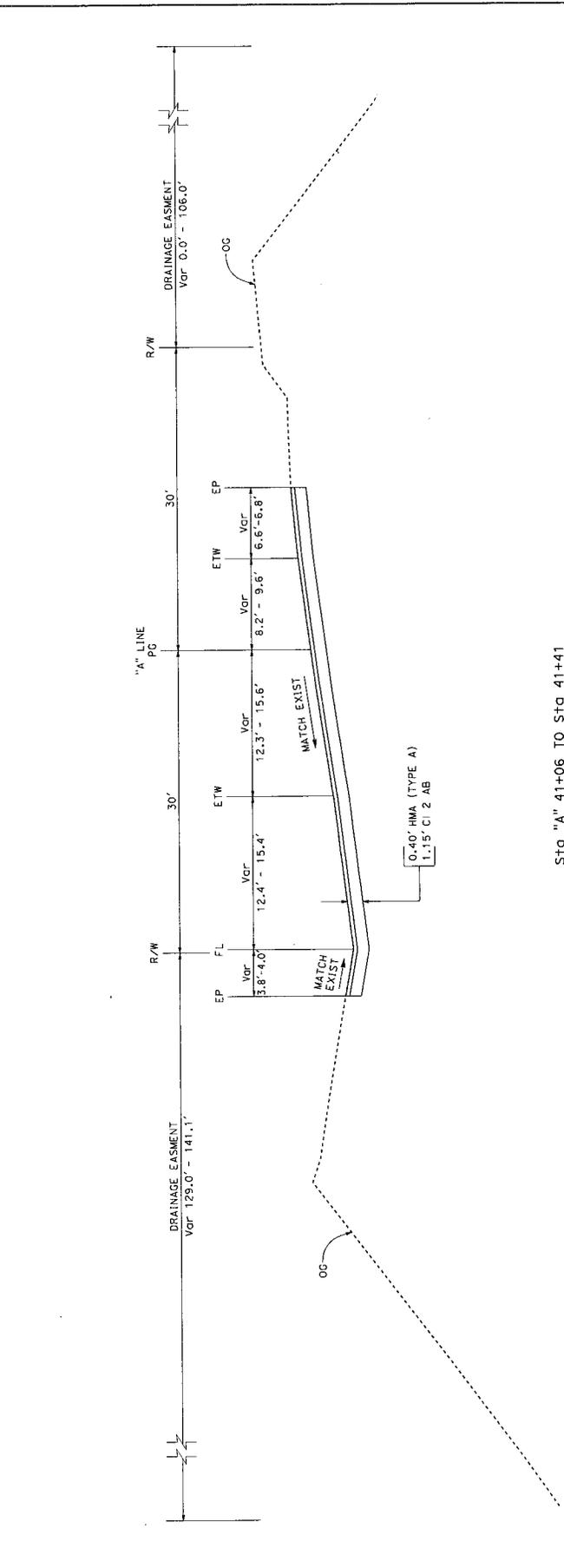
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	DESIGN	FUNCTIONAL SUPERVISOR	JOHN FOUCHE
CALCULATED/DESIGNED BY	CHRISTOPHER BAAB	CHECKED BY	MARK GRESSWELL
REVISIONS	DATE	REVISIONS	DATE

- NOTES:**
1. DIMENSIONS OF THE PAVEMENT STRUCTURES (STRUCTURAL SECTIONS) ARE SUBJECT TO TOLERANCES SPECIFIED IN THE STANDARD SPECIFICATIONS.
 2. SUPERELEVATION AS SHOWN OR AS DIRECTED BY THE ENGINEER.

DIS+ COUNTY	ROUTE	PROF. MILES	SHEET NO.	TOTAL SHEETS
05 MON	1	0.3		

REGISTERED CIVIL ENGINEER DATE: 6/11/10
 ADDRESS: 1000 S. GARDEN ST., SUITE 100, SAN FRANCISCO, CA 94109
 CIVIL ENGINEER NO. 67130
 EXPIRES 9/30/12

PLANS APPROVAL DATE: 8/5/11
 THE STATE OF CALIFORNIA OR ITS OFFICERS
 THE ACCOUNTY FOR COMPLETENESS OF SCANNED
 COPIES OF THIS PLAN SHEET.



Sta "A" 41+06 TO Sta 41+41
ROUTE 1

TYPICAL CROSS SECTIONS
NO SCALE
X-1

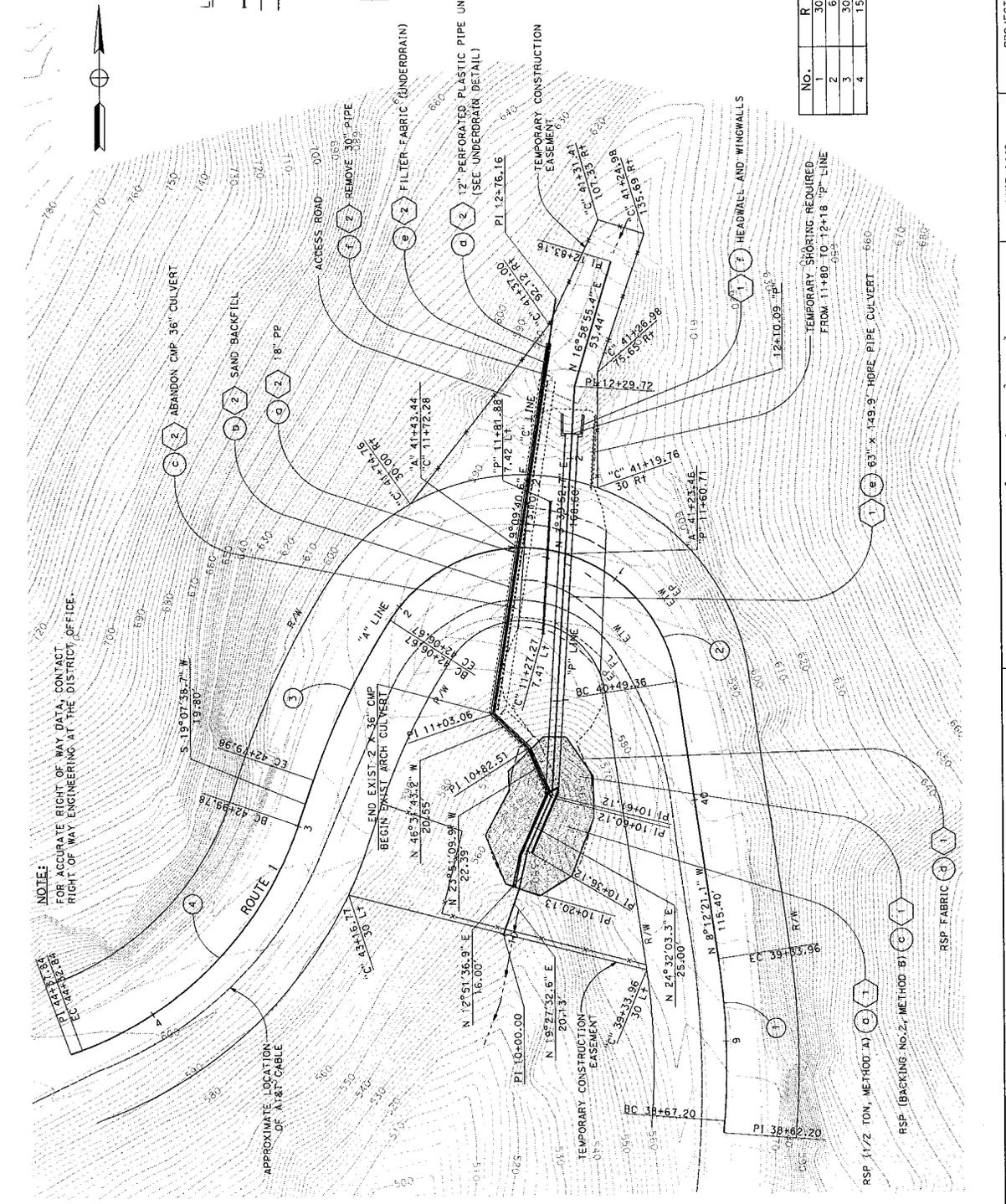
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 DGN FILE #3 950000038001.dgn
 PROJECT NUMBER & PHASE: UNIT 1449
 RELATIVE BORDER SCALE: 15 IN INCHES
 0 1 2 3
 05000003801

USACE File #2011-00277S
 Pepperwood Gulch Culvert Replacement
 Mon 1 Post Mile 0.3
 August 5, 2011
 Figure 4 of 10



U.S. Army Corps
 of Engineers
 District
 Regulatory Division

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	DESIGN	FUNCTIONAL SUPERVISOR	JOHN FOUCHE
CALIFORNIA	DESIGNED BY	CHECKED BY	MARK GRESSWELL
REVISOR	REVISOR	DATE REVISED	



DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
05	Mon	1	0.3		

REGISTERED CIVIL ENGINEER DATE
 CHRISTOPHER BAB
 No. 67130
 Exp. 9-30-12

PLANS APPROVAL DATE
 DATE OF FIELD SURVEY
 DATE OF AS-BUILT SURVEY
 DATE OF REVISIONS
 DATE OF FINAL CHECK
 DATE OF FINAL REVIEW

LEGEND

- HOPE
- HIGH DENSITY POLYETHYLENE
- 4" IRRIGATION SLEEVE
- TEMPORARY FENCE (TYPE ESA)
- TEMPORARY SHORING
- DRAINAGE SYSTEM NO.
- DRAINAGE UNIT NO.
- RSP

CURVE DATA

No.	R	Δ	T	L
1	300'	12° 45' 02"	33.52'	66.76'
2	65'	138° 40' 00"	172.52'	151.30'
3	300'	14° 0' 00"	36.84'	73.30'
4	150'	50° 49' 30"	71.27'	133.06'

LAYOUT L-1
 SCALE 1" = 20'

BORDER LAST REVISED 7/2/2010
 USERNAME: P3312528
 DGN FILE: 050000038001.dgn
 UNIT 1449
 PROJECT NUMBER & PHASE 05000003801

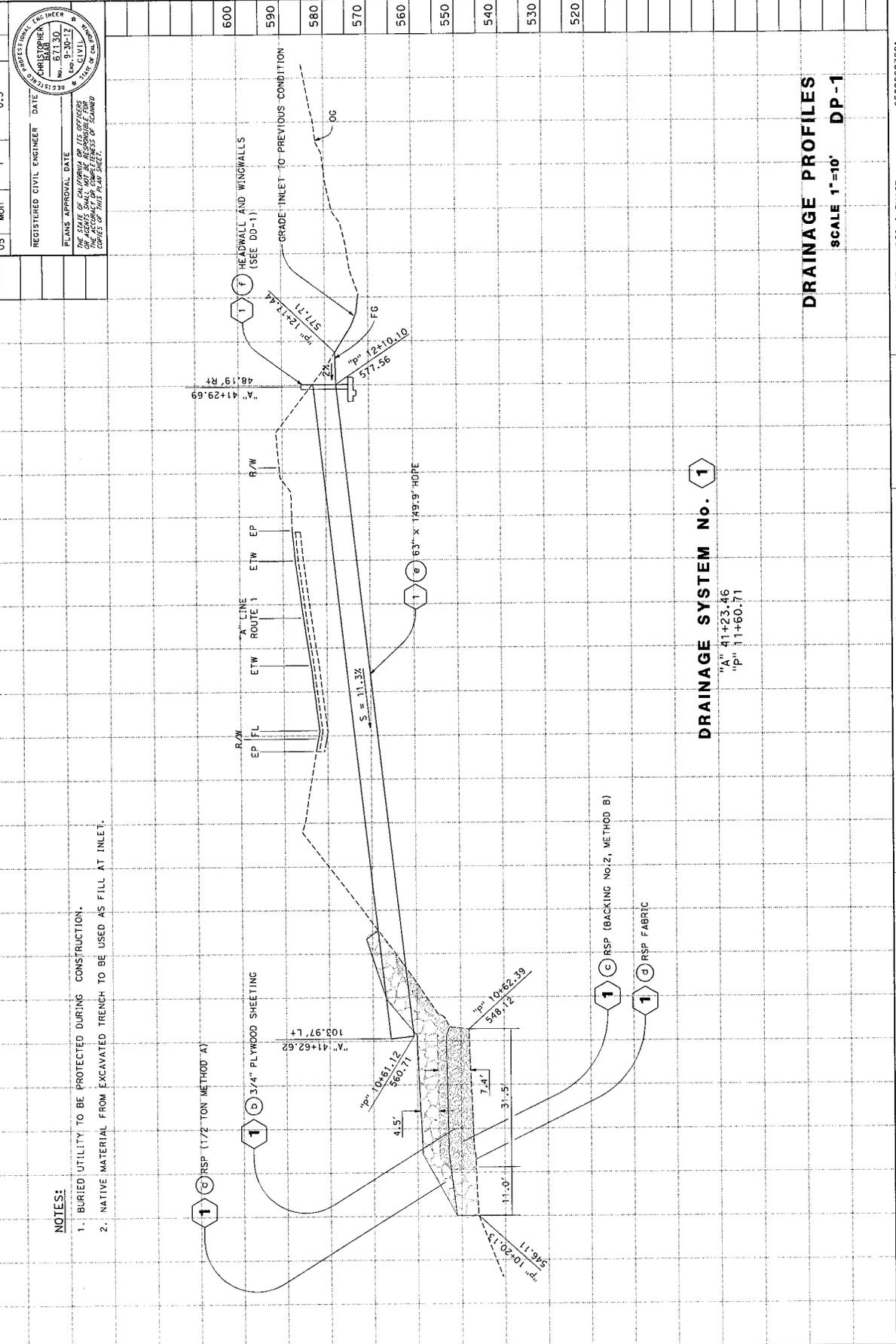
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USACE File #2011-002775
 Pepperwood Gulch Culvert Replacement
 Mon 1 Post Mile 0.3
 August 5, 2011
 Figure 5 of 10

U.S. Army Corps
 of Engineers
 San Francisco District
 Regulatory Division

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	DESIGN
FUNCTIONAL SUPERVISOR	JOHN FOUCHE
DESIGNED BY	MARK GRESSMELL
CHECKED BY	CHRISTOPHER BAAB
DATE REVISION	DATE REVISION



NOTES:

1. BURIED UTILITY TO BE PROTECTED DURING CONSTRUCTION.
2. NATIVE MATERIAL FROM EXCAVATED TRENCH TO BE USED AS FILL AT INLET.

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET TOTAL PROJECT SHEETS
05	Mon	1	0.3	

REGISTERED CIVIL ENGINEER DATE
 No. 67130
 No. 9-30-11
 CIVIL
 REGISTERED UNDER THE SEAL OF THE BOARD OF CALIFORNIA REGISTERED PROFESSIONAL ENGINEERS

PLANS APPROVAL DATE
 No. 67130
 No. 9-30-11
 CIVIL
 REGISTERED UNDER THE SEAL OF THE BOARD OF CALIFORNIA REGISTERED PROFESSIONAL ENGINEERS

DRAINAGE SYSTEM No. 1

"A" 41+23.46
 "P" 41+60.71

DRAINAGE PROFILES
 SCALE 1"=10' DP-1

BOUNDER LAST REVISED 7/2/2010

RELATIVE BORDER SCALE IS IN INCHES

UNIT 1449

PROJECT NUMBER & PHASE

05000003801

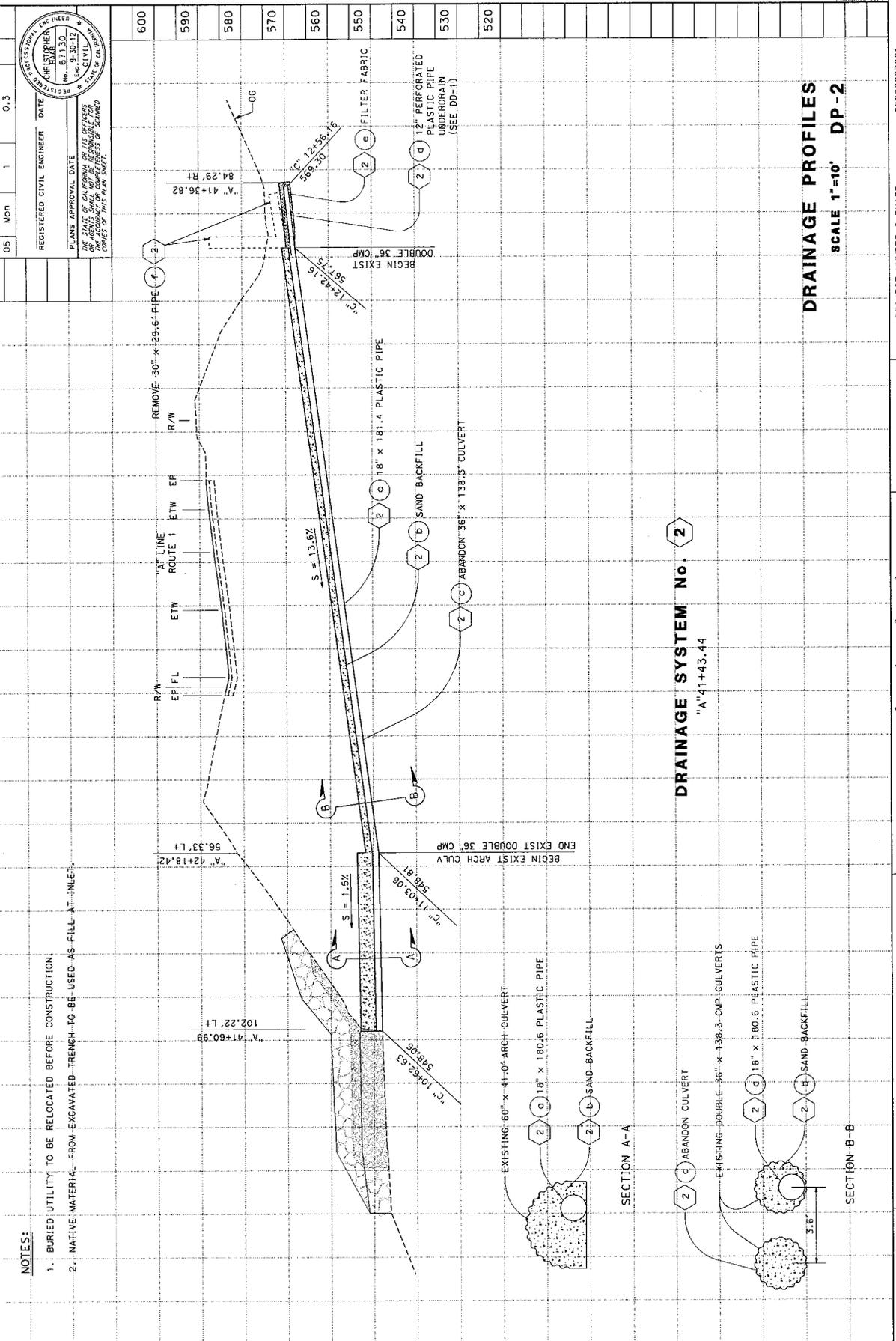
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 TIME PLOTTED => 09:16



USACE File #2011-00277S
 Pepperwood Gulch Culvert Replacement
 Mon 1 Post Mile 0.3
 August 5, 2011
 Figure 6 of 10

U.S. Army Corps
 of Engineers
 San Francisco District
 Regulatory Division

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	JOHN FOUCHE
DESIGN	CALCULATOR	CHRISTOPHER BAAR
DESIGNED BY	CHECKED BY	MARK CRESSWELL
REVISOR	DATE REVISOR	



- NOTES:
- BURIED UTILITY TO BE RELOCATED BEFORE CONSTRUCTION.
 - NATIVE MATERIAL FROM EXCAVATED TRENCH TO BE USED AS FILL AT INLET.

REGISTERED CIVIL ENGINEER DATE
 PROFESSIONAL ENGINEER No. 67130
 CIVIL No. 3-30-12
 PLANS APPROVAL DATE
 THESE PLANS SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION UNLESS OF SCANNED

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	Mon	1	0.3		

DRAINAGE SYSTEM No. 2
 "A" 41+43.44

DRAINAGE PROFILES
 SCALE 1"=10' DP-2

BORDER LAST REVISED 7/2/2010 USERNAME -> s112828 DON FILE -> 05000003801.dwg02.cgr UNIT 1449 PROJECT NUMBER & PHASE 05000003801



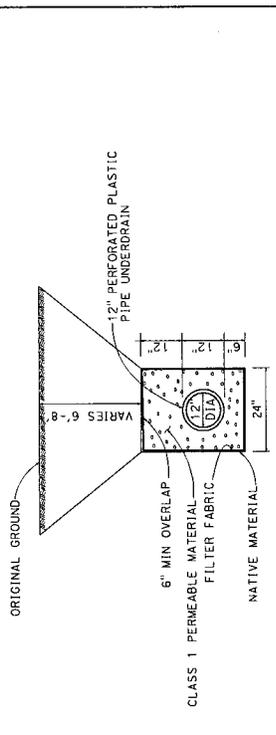
USACE File #2011-00277S
 Pepperwood Gulch Culvert Replacement
 Mon 1 Post Mile 0.3
 August 5, 2011
 Figure 7 of 10

U.S. Army Corps
 of Engineers
 San Francisco District
 Regulatory Division

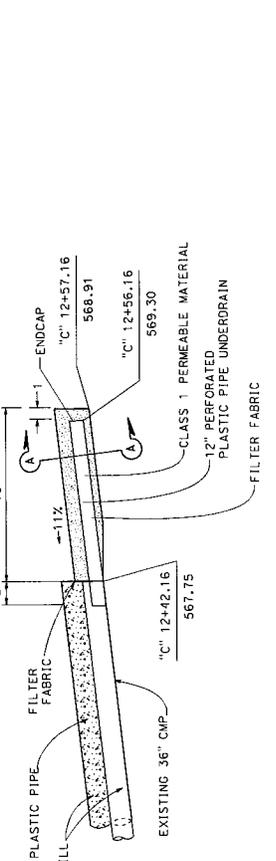
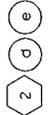
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	DESIGN	JOHN FOUCHÉ	CHECKED BY	MARK GRESSWELL	DATE REVISED
FUNCTIONAL SUPERVISOR			DESIGNED BY	CHRISTOPHER BAAB	
			REVISOR BY		

DIST	COUNTY	ROUTE	TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
05	Mon	1	0.3		

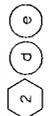
REGISTERED CIVIL ENGINEER DATE
 CHRIS BAAB 9-30-12
 THE STATE OF CALIFORNIA OR ITS OFFICERS
 THE ACCURACY OR COMPLETENESS OF PLANNED
 COPIES OF THIS PLAN SHEET.



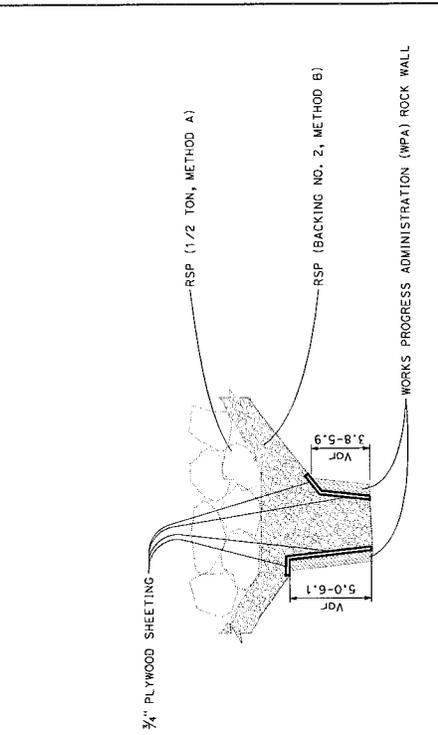
SECTION A-A
 UNDERDRAIN SECTION



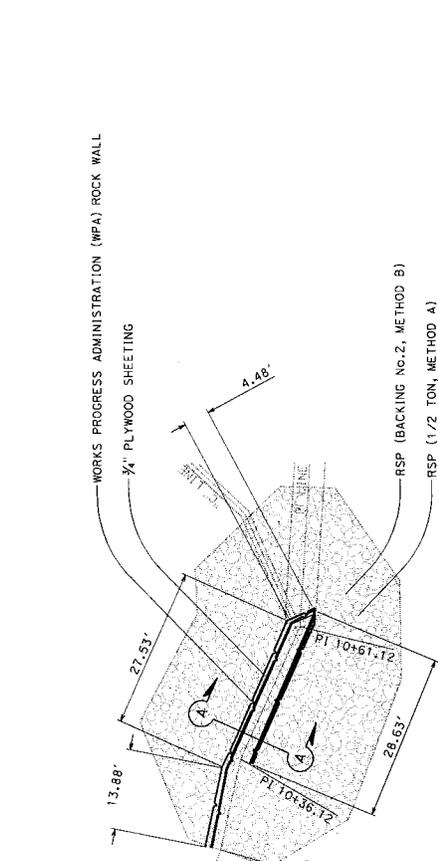
UNDERDRAIN PROFILE



SECTION A-A
 PLYWOOD SHEETING SECTION



SECTION A-A
 PLYWOOD SHEETING SECTION



PLYWOOD SHEETING



DRAINAGE DETAILS
 NO 8 SCALE DD-1

UNIT 1:49

RELATIVE BORDER SCALE
 15 IN INCHES

PROJECT NUMBER & PHASE
 05000003801

USERNAME: s112528
 BDN FILE: 05000003801c001.dgn

BORDER LAST REVISED 7/2/2010

DATE PLOTTED: 07-JUN-2011
 TIME PLOTTED: 9:03:18
 12-21-10

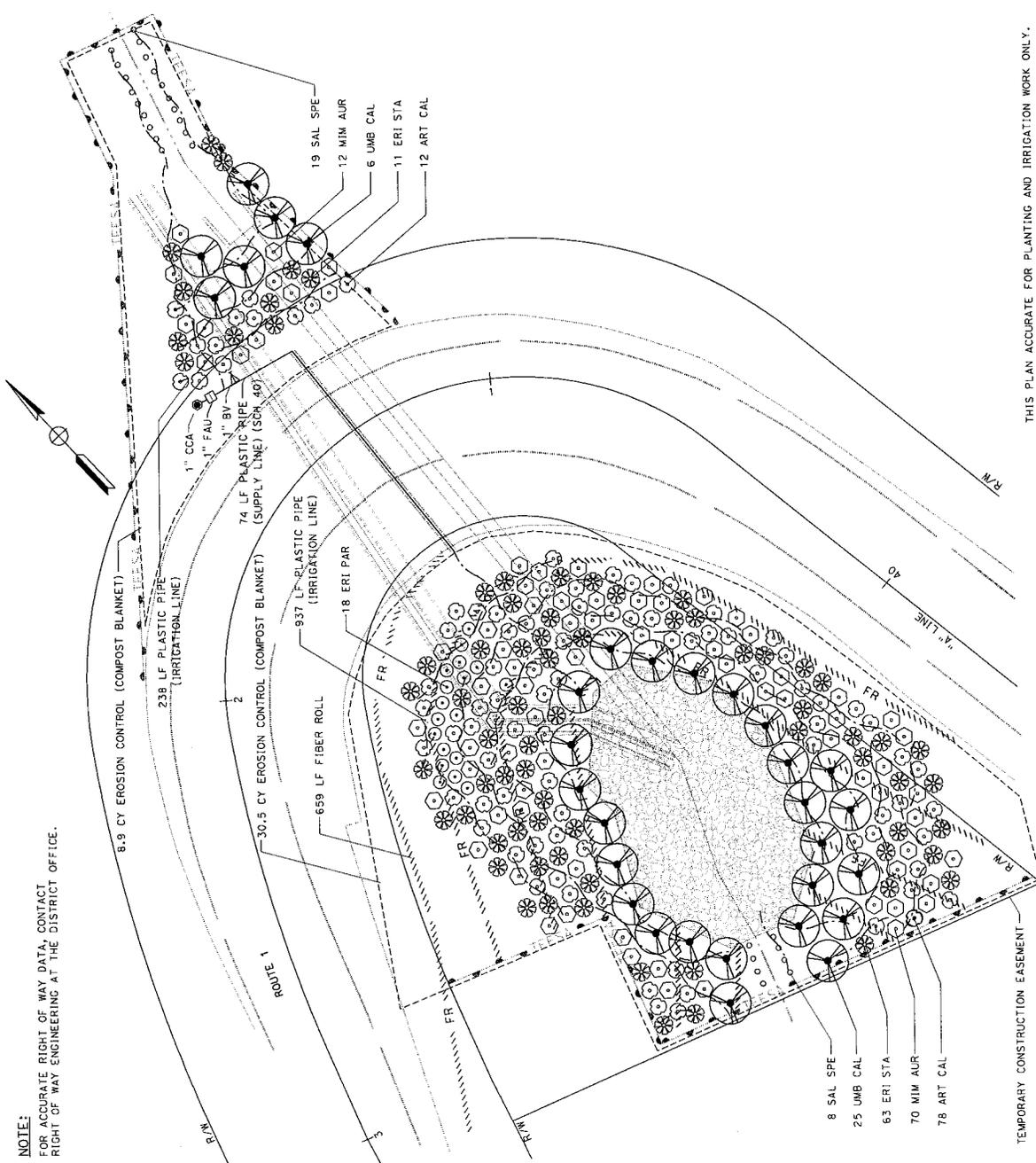
USACE File #2011-002775
 Pepperwood Gulch Culvert Replacement
 Mon 1 Post Mile 0.3
 August 5, 2011
 Figure 9 of 10



U.S. Army Corps
 of Engineers District
 Regulatory Division

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	SENIOR LANDSCAPE ARCHITECT	DENNIS REEVES	CHECKED BY	CORBY KLIMMER	DATE REVISED	
REGISTRATION NO. 12228			DESIGNED BY	BRYAN PARKER		
USURNAME => 12228						
DDN FILE => 05000003801.dgn						
BORDER LAST REVISED 7/1/2010						

NOTE:
 FOR ACCURATE RIGHT OF WAY DATA, CONTACT
 RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

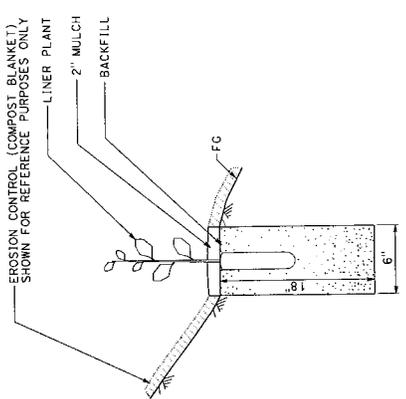


DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET TOTAL
05		1	0.3	NO. SHEETS

PLANS APPROVAL DATE: 8/5/11
 THE DESIGNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN. THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN.

LANDSCAPE ARCHITECT
 LICENSED LANDSCAPE ARCHITECT
 12500 E. 15TH AVE., SUITE 100
 DENVER, CO 80232
 (303) 751-1228
 WWW.PLANETERRA.COM

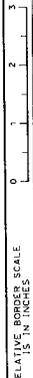
- LEGEND
- IRRI-GATION SLEEVE
 - TEMPORARY FENCE (TYPE ESA)
 - FIBER ROLL
 - 1" PLASTIC PIPE (SUPPLY LINE) (SCH 40)
 - 3/4" PLASTIC PIPE (IRRI-GATION LINE)
 - EROSION CONTROL (COMPOST BLANKET) APPLY 1" THICK



SECTION
PLANT (GROUP M)
**PLANTING AND IRRIGATION
 PLAN AND DETAILS**
PI-1

NO SCALE

THIS PLAN ACCURATE FOR PLANTING AND IRRIGATION WORK ONLY.



PROJECT NUMBER & PHASE: 05000003801

UNIT 1502

LAST REVISION: 12-08-10
 TIME PLOTTED: 07-JUN-2011 09:18

Enclosure 2:

**Nationwide Permit 14 - Linear Transportation Projects
Terms and Conditions**

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

Note: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Federal Register / Vol. 72, No. 47 / Monday, March 12, 2007 / Notices **11191**

San Francisco District Regional Conditions For NWP 14- Linear Transportation Projects

1. Notification to the Corps (in accordance with General Condition No. 27) is required for all projects filling greater than 300 linear feet of channel.
2. This permit does not authorize construction of new airport runways and taxiways.
3. To the maximum extent practicable, any new or additional bank stabilization required for the crossing must incorporate structures or modifications beneficial to fish and wildlife (e.g., soil bioengineering or biotechnical design, root wads, large woody debris, etc.). Where these structures or modifications are not used, the applicant shall demonstrate why they were not considered practicable. Bottomless and embedded culverts are encouraged over traditional culvert stream crossings.
4. As part of the notification to the Corps (in accordance with General Condition No. 27) requirement for stream crossing activities filling an excess of 300 feet in length, the project proponent shall address the effect of the bank stabilization on the stability of the opposite side of the streambank (if it is not part of the stabilization activity), and on adjacent property upstream and downstream of the activity.

Nationwide Permit General Conditions

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

1. *Navigation.* (a) No activity may cause more than a minimal adverse effect on navigation. (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. *Aquatic Life Movements.* No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. *Spawning Areas.* Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. *Migratory Bird Breeding Areas.* Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. *Shellfish Beds.* No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48.

6. *Suitable Material.* No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. *Water Supply Intakes.* No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. *Adverse Effects From Impoundments.* If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. *Management of Water Flows.* To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. *Fills Within 100-Year Floodplains.* The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. *Equipment.* Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. *Soil Erosion and Sediment Controls.* Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. *Removal of Temporary Fills.* Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. *Proper Maintenance.* Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. *Wild and Scenic Rivers.* No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. *Tribal Rights.* No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. *Endangered Species.* (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed. (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. (c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species specific regional endangered species conditions to the NWPs. (e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at <http://www.fws.gov/> and <http://www.noaa.gov/fisheries.html> respectively.

18. *Historic Properties.* (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. (b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the preconstruction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the

location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed. (d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete preconstruction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. (e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

19. *Designated Critical Resource Waters.* Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment. (a) Discharges of dredged or fill material into waters of the United States are not authorized by NHPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. (b) For NHPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NHPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. *Mitigation.* The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal: (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site). (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal. (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require preconstruction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project specific waiver of this requirement. For wetland losses of 1/10 acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered. (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment. (e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NHPs. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NHPs. (f) Compensatory mitigation plans for projects in or near streams or other

open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses. (g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan. (h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

21. *Water Quality.* Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. *Coastal Zone Management.* In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

23. *Regional and Case-By-Case Conditions.* The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

24. *Use of Multiple Nationwide Permits.* The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

25. *Transfer of Nationwide Permit Verifications.* If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee) _____
(Date) _____

26. *Compliance Certification.* Each permittee who received a NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include: (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions; (b) A statement that any required mitigation was completed in accordance with the permit conditions; and (c) The signature of the permittee certifying the completion of the work and mitigation.

27. *Pre-Construction Notification.* (a) *Timing.* Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either: (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or (2) Forty-five calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 17 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2). (b) *Contents of Pre-Construction Notification:* The PCN must be in writing and include the following information: (1) Name, address and telephone numbers of the prospective permittee; (2) Location of the proposed project; (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided result in a quicker decision.); (4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate; (5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. (6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and (7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act. (c) *Form of Pre-Construction Notification:* The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used. (d) *Agency Coordination:* (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level. (2) For all NWP 48 activities requiring pre-construction notification and for other NWP activities requiring preconstruction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency,

the district engineer will wait an additional 15 calendar days before making a decision on the preconstruction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each preconstruction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5. (3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act. (4) Applicants are encouraged to provide the Corps multiple copies of pre-construction notifications to expedite agency coordination. (5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS. (e) *District Engineer's Decision*: In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP. If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

28. *Single and Complete Project*. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

Enclosure 3:

Permittee: Caltrans

File Number: 2011-00277S

**Certification of Compliance
for
Nationwide Permit**

"I hereby certify that the work authorized by the above referenced File Number and all required mitigation have been completed in accordance with the terms and conditions of this Nationwide Permit authorization."

(Permittee)

(Date)

Return to:

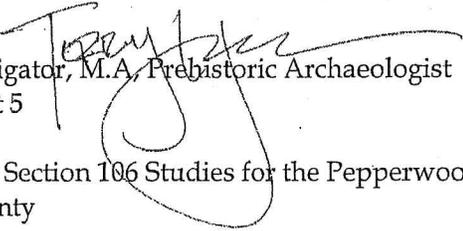
Paula Gill
U.S. Army, Corps of Engineers
San Francisco District
Regulatory Division, CESP-N-R-S
1455 Market Street
San Francisco, CA 94103-1398

State of California
M e m o r a n d u m

Business, Transportation and Housing Agency

To: Ryelle Leverett
 Associate Environmental Planner
 Caltrans District 5

Date: 8 September 2008
Post Miles: MON 1, PM 0.3
EA: 05-0R8100

From: Terry L. Joslin 
 Principal Investigator, M.A., Prehistoric Archaeologist
 Caltrans District 5

Subject: Completion of Section 106 Studies for the Pepperwood Gulch Culvert Replacement, Route 1, Monterey County

The California Department of Transportation (Caltrans) in cooperation with the Federal Highway Administration (FHWA) proposes to replace two existing culverts at two locations, Location One at PM 0.3 and Location Two at PM 0.9, along State Route 1 in Monterey County. This memorandum is prepared for Location One, as the second location is now covered under a different Project EA, 05-49370 (Joslin, 3 September 2008).

As presented by the Caltrans project engineer and hydraulics specialist, the following is an updated design description (see the attached design plan dated 12 August 2008). A 6' diameter welded steel pipe will be jacked and bored from the existing inlet basin and directed towards the end of the existing flume where it will outlet into an energy dissipater box. The energy dissipater box should be constructed so the outleting welded steel pipe enters the structure above the elevation of the flume. The structure should then allow the water to drop down to the elevation of the existing flume flowline. All construction activities will be performed within the existing State right of way. The project is required due to the deteriorating nature of the culvert that may fail during winter storms.

Eligibility Determination

A Historic Property Survey Report (HPSR) for the current undertaking was prepared by Joslin and Pavlik (2002) and reviewed by the State Historic Preservation Officer (SHPO). One rock retaining wall (P-27-002433) is in the current APE. Specifically, the above mentioned flume is at the bases of a retaining wall (P-27-002433) that was found to be a contributing element to the Carmel to San Simeon Highway Historic District (FHWA020318A (2003), Joslin and Pavlik 2002, Pavlik 2002) during earlier project studies for the current undertaking. That concurrence letter is attached to this memorandum. Revised documentation on the District's eligibility for inclusion on the National Register of Historic Places (NRHP), including the P-27-002433 retaining wall, recently received concurrence (FHWA060914A, Carr et al. 2006).

As agreed to during the previous SHPO consultation, see attached concurrence letter (28 February 2003), during the current undertaking, we propose to stabilize the rock wall to prevent further damage to the wall and the roadway. During construction, we propose to cover the wall with fill materials to preclude the likelihood of road failure, and

subsequently, removal of the culvert. The author of this memo will place a geotextile on the surface of the wall, and hand dress the soil to prevent impacts to the wall's surface. This will support the exposed wall. This will not result in an adverse effect, as no damage to the feature will occur. The culvert will continue to perform its function, conveying a small creek under the roadway.

Results

As presented, the proposed undertaking does not have the potential to adversely affect cultural resources and no additional studies are required at this time. Ground disturbing activities will be limited to the APE established in coordination with the project engineer, an area depicted on project construction layouts dated 12 August 2008. The design plan is attached to the memorandum. If changes to the construction footprint occur, further studies are necessary as historic properties are in the vicinity of the project area. Please contact me if project plans change at 805-549-3778, or Terry.Joslin@dot.ca.gov.

CC: Cultural Resources Files

Attachments: Three construction layout sheets dated 12 August 2008; SHPO concurrence letter (28 February 2003)

References Cited

Carr, Paula, Christopher Ryan, and Kelda Wilson

- 2006 Historic Property Survey Report for the Pfeiffer Big Sur Left Turn Channelization Project, Monterey County, California. Updated Description of the Carmel-San Simeon Highway Historic District (PL27-002775). Manuscript on file at the Northwest Information Center, Sonoma State University.

Joslin, Terry L. and Robert C. Pavlik

- 2002 Historic Property Survey Report/Finding of Effect for the Replacement of Two Culverts, Monterey County, California. MS on file at Caltrans Environmental Planning, Cultural Resources Archives, San Luis Obispo.

Pavlik, Robert C.

- 1996 Historic Resource Evaluation Report: The Rock Retaining Walls, Parapets, Culvert Headwalls and Drinking Fountains along the Carmel to San Simeon Highway, 05-SLO-01 P.M. 46.0/74.3, 05-MON-01 P.M. 0.0/73.0. Manuscript on file at the Northwest Information Center, Sonoma State University.

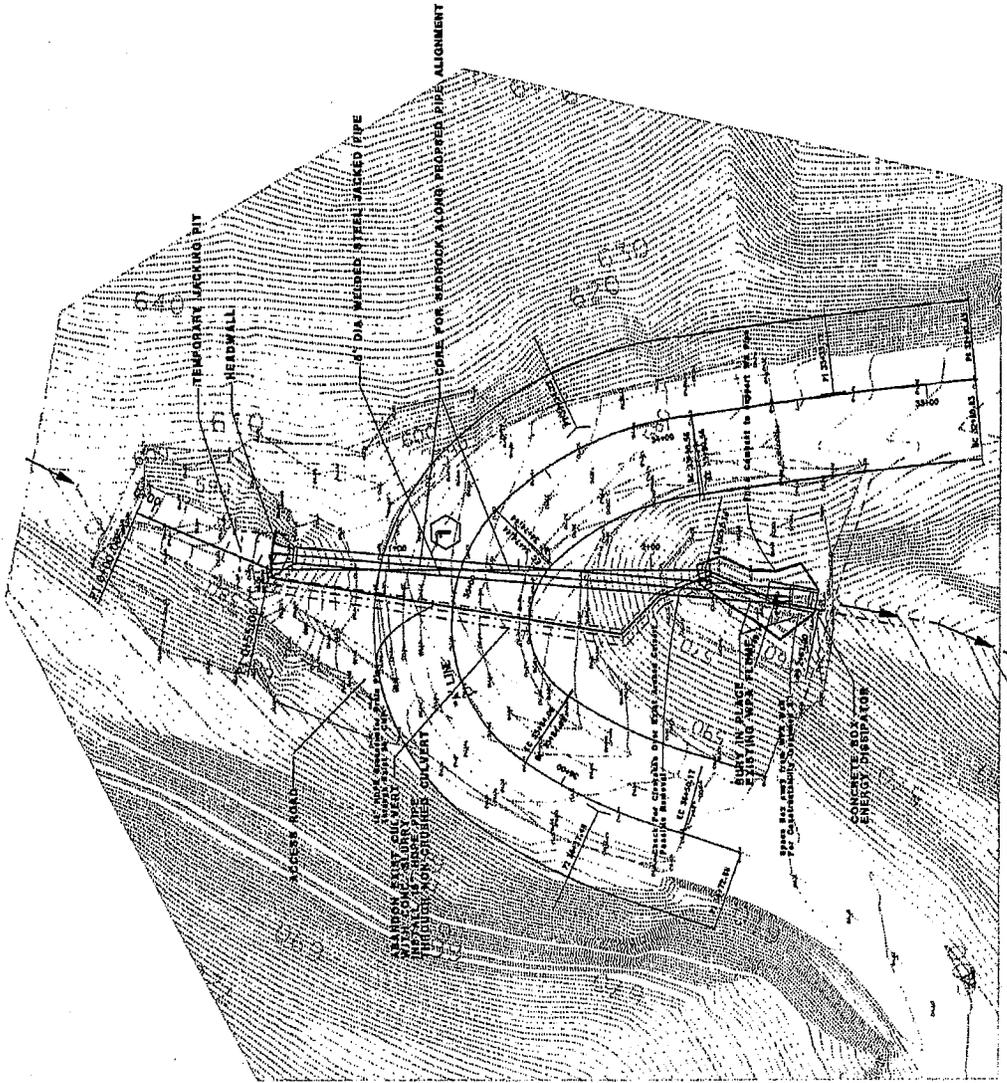
DATE	COUNTY	ROUTE	POST MILES	SHEET NO.	TOTAL SHEETS

REGISTERED CIVIL ENGINEER DATE

PLUS APPROVAL DATE

FOR STATE SHALL BE THE RESPONSIBILITY OF THE REGISTERED CIVIL ENGINEER

REGISTERED CIVIL ENGINEER



**DRAINAGE PLAN
LOCATION 1**

SCALE: 1" = 30'

D-1

CD 06-234 EA 493700

SCALE: 0.4 X FILM

RELATIVE HORIZONTAL SCALE
1" = 100 FEET

RELATIVE VERTICAL SCALE
1" = 10 FEET

USE NAME OF DESIGNER
FOR THE PROJECT

BORDER LAST REVISED 11/1/2006

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	SUPERVISING ENGINEER	CALCULATED BY	DESIGNED BY	CHECKED BY	DATE REVISED	REVISED BY
CS						

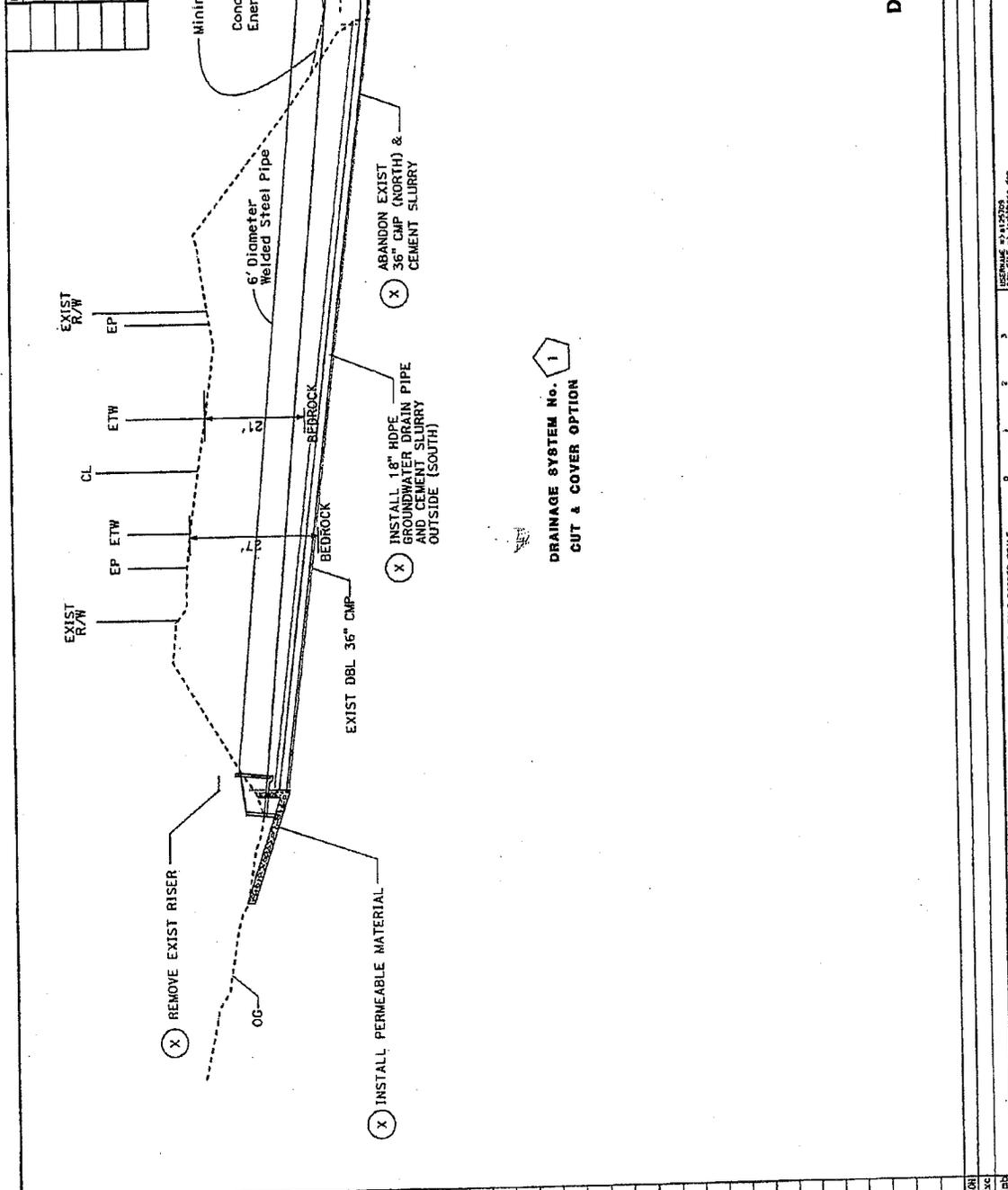
DATE	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
05	MON	1	0.3	-	-

REGISTERED CIVIL ENGINEER DATE

PLEASE APPROVE DATE

FOR THESE PLANS FOR THE PROJECT OF THIS PLAN SHEET.

REGISTERED CIVIL ENGINEER DATE



DRAINAGE SYSTEM No. 1
CUT & COVER OPTION

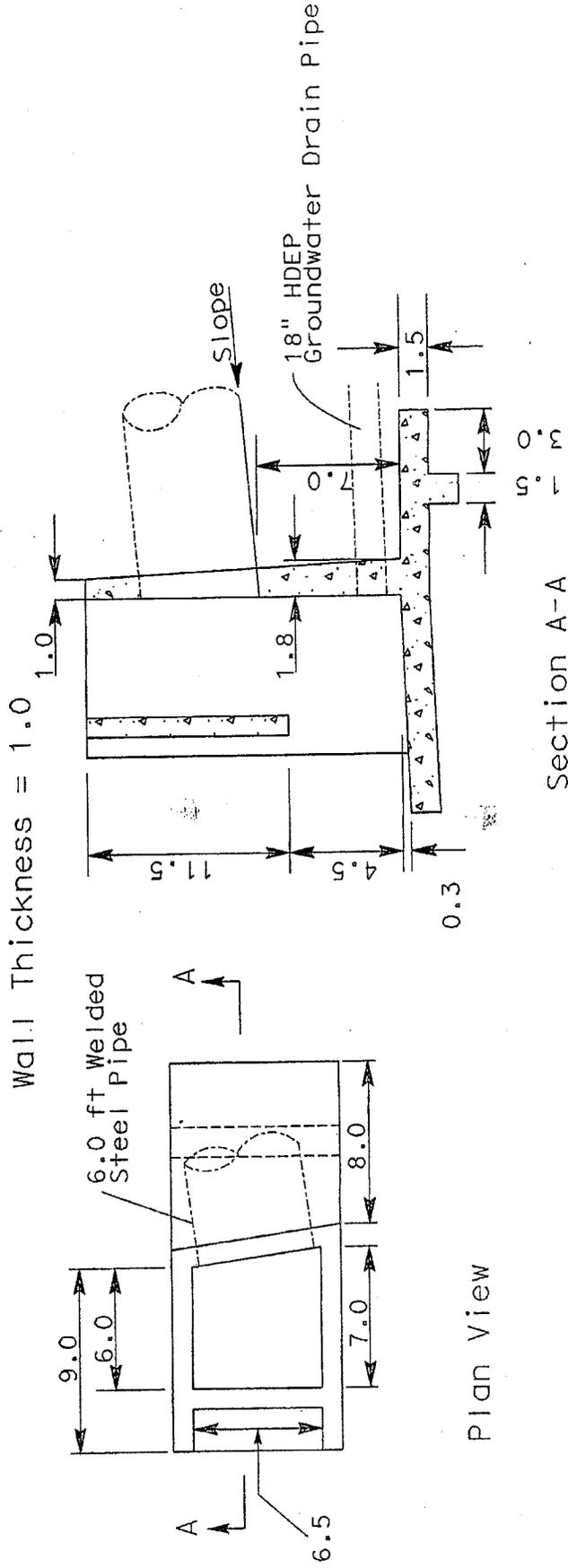
DRAINAGE PROFILES
SCALE 1"=10'
D-2

600	590	580	570	560	550	540
DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION	DATE REVISION
REVISION BY	REVISION BY	REVISION BY	REVISION BY	REVISION BY	REVISION BY	REVISION BY
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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION						
SUPERVISING ENGINEER JOHN FOUCHE						
PROJECT DEVELOPMENT						
STATION						
CY						
EACH						
BORDER LAST REVISED 11/17/2006						

CU 00000 EA 0RB10

RELATIVE PROFILE SCALE 1"=10' VERTICALLY 1"=10' HORIZONTALLY

USER NAME: 11/17/2006 10:11:11 AM



Location #1 - EA 493700
 All Dimensions in Feet



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
980 Ninth Street, Suite 400
Sacramento, CA. 95814-2724

February 28, 2003

IN REPLY REFER TO
HDA-CA
File # 05-Mon-0
Schulte Road Bridge Replacement
Document # P 43760

CERTIFIED RETURN RECEIPT REQUESTED # 7002-0510-0003-5330-2713

Dr. Knox Mellon
State Historic Preservation Officer
Office of Historic Preservation
P. O. Box 942896
Sacramento, CA 94296-0001

Dear Dr. Mellon:

On October 11, 2002, the State Historic Preservation Office (SHPO) provided comments on an Historic Property Survey Report (HPSR)/Finding of Effect (FOE) for a project to replace two culverts on State Route 1 north of Ragged Point, Monterey County. (FHWA A020318A). The letter states that you are

"unable to concur with the FHWA's determination that P-27-002422 is eligible for inclusion in the National Register as a contributing element to the Carmel to San Simeon Highway Historic District, which you [Ritchie] state in your 14 March 2002 letter was found, *through a consensus determination*, to be eligible for inclusion in the National Register on 24 January 1997 (Office of Historic Preservation File No. FHWA970108A). " [Italics added]

This letter will clarify the issue of the Carmel to San Simeon Highway Historic District's eligibility for inclusion in the National Register, and to request that you resume consultation.

Your October 11, 2002 letter to Mr. Ritchie requests any available information regarding a consensus determination regarding this historic district.

The Carmel to San Simeon Highway Historic District was not determined eligible for inclusion in the National Register by consensus determination. Rather, the District was formally evaluated and determined eligible under the provisions of the "Programmatic Agreement Regarding the Seismic Retrofit of Bridge Structures in California," dated March 21, 1995.

This Determination of Eligibility was made by the California Department of Transportation (Caltrans) in November 1996 under the Programmatic Agreement (PA), which states that "FHWA has directed that Caltrans develop the Area of Potential Effects...and determine National Register eligibility and findings of the undertaking effects pursuant to Stipulations V and VI" of the PA.

Under Section V.E. of the PA, "Caltrans...will evaluate all properties identified pursuant to Stipulation V.A. to determine their eligibility or non-eligibility for inclusion in the National Register of Historic Places....Caltrans will forward its written determination of eligibility and the supporting documentation concurrently to the Federal Highway Administration (FHWA) and SHPO for their review:

wall. This will not result in an adverse effect, as no damage to the feature will occur. The culvert will continue to perform its function, conveying a small creek under the roadway.

The proposed protection measures will ensure that no modification to the culvert retaining wall will occur during or after construction.

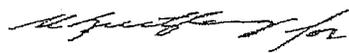
Your concurrence in the foregoing determinations and finding may be evidenced by your dated signature in the signature block provided below.

Thank you for your assistance in this matter. If needed, please contact Dominic Hoang at (916) 498-5002 or Gary Sweeten at (916) 498-5128.

Sincerely,

/s/ Maiser Khaled

For
Gary N. Hamby
Division Administrator

Concur: 

Dr. Knox Mellon
California State Historic Preservation Officer

Date: March 12, 2003

c:
(E-mail)
Gary Winters
Stephanie Stoermer
Dominic Hoang
Gary Sweeten

GSweeten:tc



Matthew Rodriguez
*Secretary for
Environmental Protection*

California Regional Water Quality Control Board Central Coast Region

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
(805) 549-3147 • FAX (805) 543-0397
<http://www.waterboards.ca.gov/centralcoast>



Edmund G. Brown Jr.
Governor

October 24, 2011

Lisa Schicker
lisa_schicker@dot.ca.gov
California Department of Transportation
50 Higuera Street
San Luis Obispo, CA 93401

BY ELECTRONIC MAIL

Dear Ms. Schicker:

WATER QUALITY CERTIFICATION NUMBER 32711WQ10 FOR PEPPERWOOD GULCH CULVERT REPLACEMENT PROJECT, MONTEREY COUNTY

Thank you for the opportunity to review your July 21, 2011 application for water quality certification of the Pepperwood Gulch Culvert Replacement Project. The application was completed on August 24, 2011. The project appears to protect beneficial uses of State waters. We are issuing the enclosed Standard Letter of Certification.

At this time, we do not anticipate issuing additional requirements based on your application. Should new information come to our attention that indicates a water quality problem, we may require additional monitoring and reporting, issue Waste Discharge Requirements, or take other action.

Your Section 401 Water Quality Certification application and California Environmental Quality Act (CEQA) documents indicate that project activities may affect beneficial uses and water quality. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) issues this certification to protect water quality and associated beneficial uses from project activities. We need reports to determine compliance with this certification. All technical and monitoring reports requested in this certification, or anytime after, are required per Section 13267 of the California Water Code.

Your failure to submit reports required by this certification, or your failure to submit a report of technical quality acceptable to the Executive Officer, may subject you to enforcement action per Section 13268 of the California Water Code. The Central Coast Water Board will base enforcement actions on the date of certification. Any person affected by this Central Coast Water Board action may petition the State Water Resources Control Board (State Board) to review this action in accordance with California Water Code Section 13320; and Title 23, California Code of Regulations, Sections 2050 and 3867-3869. The State Board, Office of Chief Counsel, PO Box 100, Sacramento, CA 95812, must receive the petition within 30 days of the date of this certification. We will provide upon request copies of the law and regulations applicable to filing petitions.

California Environmental Protection Agency

If you have questions please contact **Jennifer Epp** at (805) 594-6181 or via email at jepp@waterboards.ca.gov or Phil Hammer at (805) 549-3882. Please mention the above certification number in all future correspondence pertaining to this project.

Sincerely,



Digitally signed by Phil Hammer
Date: 2011.10.24 10:17:46
-07'00'

for
Roger W. Briggs
Executive Officer

Enclosure: Action on Request for CWA Section 401 Water Quality Certification

cc: With enclosures

Holly Costa
U.S. Army Corps of Engineers
San Francisco District
Regulatory Section
holly.n.costa@usace.army.mil

Julie Means
California Department of Fish and Game
Lake and Streambed Alteration
jmeans@dfg.ca.gov

401 Program Manager
State Water Resources Control Board
Division of Water Quality
Stateboard401@waterboards.ca.gov

R9-WTR8-Mailbox@epa.gov

Action on Request for
Clean Water Act Section 401 Water Quality Certification
for Discharge of Dredged and/or Fill Materials

PROJECT: Pepperwood Gulch Culvert Replacement

APPLICANT: Lisa Schicker
California Department of Transportation
50 Higuera Street
San Luis Obispo, CA 93401

ACTION:

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

STANDARD CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment per section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended 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 per 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.
4. This certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
5. In the event of a violation or threatened violation of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
6. In response to a suspected violation of any condition of this certification, the Central Coast Water Board may require the holder of any permit or license subject to this certification to

furnish, under penalty of perjury, any technical or monitoring reports the Central Coast Water Board deems appropriate, provided that the burden, including costs, of the reports shall have a reasonable relationship to the need for the reports and the benefits obtained from the reports.

7. The total fee for this project is \$795. The remaining fee payable to the Central Coast Water Board is \$0.

CENTRAL COAST WATER BOARD CONTACT PERSON:

Jennifer Epp
(805) 594-6181
jepp@waterboards.ca.gov

Please refer to the above certification number when corresponding with the Central Coast Water Board concerning this project.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the Pepperwood Gulch Culvert Replacement Project shall comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act.

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



Digitally signed by Phil Hammer
Date: 2011.10.24 10:18:35 -07'00'

for

October 24, 2011

Roger W. Briggs
Executive Officer
Central Coast Water Board

Date

PROJECT INFORMATION AND CONDITIONS

Application Date	Received: August 21, 2011 Completed: August 24, 2011
Applicant	Lisa Schicker – California Department of Transportation
Applicant Representatives	N/A
Project Name	Pepperwood Gulch Culvert Replacement
Application Number	32711WQ10
Type of Project	Culvert replacement
Project Location	Big Sur coast Latitude: 121° 20' 46" N Longitude: 35° 44' 56" W
County	Monterey
Receiving Water(s)	Pepperwood Gulch/Creek 308.00 Santa Lucia Hydrologic Unit
Water Body Type	Streambed
Designated Beneficial Uses	Municipal and Domestic Supply (MUN) Agricultural Supply (AGR) Industrial Service Supply (IND) Ground Water Recharge (GWR) Water Contact Recreation (REC-1) Non-Contact Recreation (REC-2) Wildlife Habitat (WILD) Cold Fresh Water Habitat (COLD) Warm Fresh Water Habitat (WARM) Migration of Aquatic Organisms (MIGR) Spawning, Reproduction, and/or Early Development (SPWN) Rare, Threatened or Endangered Species (RARE) Freshwater Replenishment (FRSH) Commercial and Sport Fishing (COMM) Marine Habitat (MAR) Areas of Special Biological Significance (ASBS)
Project Description (purpose/goal)	<p>The purpose of this project is to replace a double pipe culvert under Highway 1 at post mile 0.3 in Monterey County to restore proper culvert function, including drainage flow through the culvert, and to prevent undermining of the highway.</p> <p>The Central Coast Regional Water Quality Control Board (Central Coast Water Board) understands that the project includes the following activities:</p> <ul style="list-style-type: none"> • Backfilling and abandonment of one of the existing culverts; • Placement of a new smaller pipe within the other culvert and backfilling the void so one culvert can remain operational to convey subsurface flow; • Installation of a 63-inch diameter plastic pipe above the existing culverts; and • Placement of rock slope protection (RSP) at the culvert outlet to

	dissipate hydraulic energy and prevent erosion.
Preliminary Water Quality Issues	<p>The Central Coast Water Board finds the project has the potential to cause sedimentation, siltation, and pollutant release to the streambed. Erosion could be caused by the construction activities or by the culvert repair. Pollutants could be released from construction equipment (e.g., oil, gasoline, hydraulic fluid, and other liquid contaminants associated with earth-moving equipment) or from the concrete work associated with installing the HDPE pipe inlet.</p> <p>The Central Coast Water Board finds the project has the potential to adversely impact Smith's blue butterfly and California red-legged frog and their habitat.</p>
Project Requirements	<p><u>Project practices that are required to comply with 401 Water Quality Certification are as follows:</u></p> <ol style="list-style-type: none"> 1. Construction within the jurisdictional areas shall take place only when there is no standing water in the work area and when rain is not forecasted for 48 hours. 2. Caltrans must use adequate Best Management Practices (BMPs) (e.g., revegetation, fiber rolls, erosion control blankets, hydromulching, compost, straw with tackifiers, temporary basins) in and around construction areas to intercept rain drop impacts, control the sources of erosion, and capture sedimentation. Caltrans shall implement washout, trackout, and dust control BMPs. 3. Caltrans shall apply approved grass seed mixtures with adequate irrigation and soil stabilizers (e.g., compost, hydromulch, tackified straw) and/or erosion control blankets over seeded areas for slope stabilization. 4. Any material stockpiled that is not actively being used during construction shall be covered with plastic unless reserved for seed banking, which requires alternative erosion and dust control BMPs. 5. All construction vehicles and equipment used on site must be well maintained and checked daily for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials. 6. Caltrans is required to have a spill plan and appropriate spill control and clean up materials (e.g., oil absorbent pads) onsite in case spills occur. 7. Caltrans shall confine all trash and debris in appropriate enclosed bins and dispose of the trash and debris at an approved site at least weekly. 8. Caltrans must designate a staging area for equipment and vehicle fueling and storage at least 100 feet away from waterways, in a location where fluids cannot flow into waterways. 9. All vehicle fueling and maintenance activity shall be at least 100 feet away from waterways, and in designated staging areas. 10. Caltrans shall submit detailed dewatering and diversion plans to

	<p>the Central Coast Water Board for approval at least 15-days prior to any dewatering or diversion.</p> <p>11. Stream diversion dams shall be constructed of gravel-filled sand bags wrapped in heavy plastic sheeting.</p> <p>12. Sand and gravel bags shall be filled only with clean gravel.</p> <p>13. All post-construction BMPs must be implemented and functioning prior to completion of the project.</p> <p>14. All construction-related equipment, materials, and any temporary BMPs no longer needed must be removed and cleaned from the site upon completion of the project.</p> <p>15. Central Coast Water Board staff must be notified if mitigations as described in the 401 Water Quality Certification application for this project are altered by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. Caltrans must inform Central Coast Water Board staff of any modifications that interfere with compliance with this certification.</p>
Area of Disturbance	Approximately 0.057 acres Streambed: 0.0065 acres permanent, 0.050 acres temporary
Fill/Excavation Area	Approximately 0.0065 acres of temporary or permanent fill/excavation
Dredge Volume	N/A
U.S. Army Corps of Engineers Permit No	Nationwide Permit 3(a)(b)(c) – Maintenance
Federal Public Notice	N/A
Dept. of Fish and Game Streambed Alteration Agreement	Streambed Alteration Agreement is pending. Final, signed copy shall be forwarded immediately upon execution.
Possible Listed Species	N/A
Status of CEQA Compliance	Categorical Exemption Lead Agency: Caltrans
Compensatory Mitigation Requirements	<p>The project shall follow the mitigation plan described in Chapter 4 of the Natural Environmental Study prepared by Lisa Schicker on July 15, 2009, which includes:</p> <ul style="list-style-type: none"> • Replacement of riparian habitat values (shade, cover, forage, and slope stability) that are lost due to construction at a 1:1 ratio for temporary impacts and a 3:1 ratio for permanent impacts; • Compensation for vegetation lost due to 1998 storm damage; • Compliance with the goals listed in the programmatic agreement regarding habitat replacement for the endangered Smith's Blue Butterfly; • Replacement of all upland vegetation lost during construction with native plants; and • Removal of all invasive plants.
Total Certification Fee	\$795
Additional Conditions	Contact Central Coast Water Board staff when project begins to

	<p>allow for a site visit.</p> <p>Submit a signed copy of the Department of Fish and Game's streambed alteration agreement to the Central Coast Water Board immediately upon execution and prior to any discharge to waters of the State.</p> <p>The Central Coast Water Board requires visual monitoring and three reports for this project:</p> <ul style="list-style-type: none">• Visually inspect the site after completion of the project and for two subsequent rainy seasons to ensure that the project is not causing excessive erosion or other water quality problems. If the project does cause water quality problems, contact the Central Coast Water Board staff member overseeing the project. You will be responsible for obtaining any additional permits necessary for implementing plans for restoration to prevent further water quality problems.• First Report: Within 30 days of project completion, submit a project completion report that contains a summary of daily activities, monitoring and inspection observations, and problems incurred and actions taken; include properly identified post-project photos.• Second and Third Report: Submit annual reports complete with photos of revegetation efforts by December 31 of each monitoring year. Annual reports must quantify growth and progress of restoration and determine to what extent performance criteria have been met. All areas of the revegetation site shall be assessed for percent cover, general health and stature, and signs of reproduction. The report shall also include photographs of revegetation progress over time.
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