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8 Attorneys for Defendant CALIFORNIA DEPARTMENT OF TRANSPORTATION

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BEFORE THE CALIFORNIA WATER QUALITY BOARD CONTROL
NORTH COAST REGION

11 In the Matter of:
12 ADMINISTRATIVE CIVIL LIABILITY
13 COMPLAINT NO. R1-2009-0095

**DEPARTMENT OF
TRANSPORTATION'S
RESPONSES TO PRE-
HEARING INSTRUCTIONS,
AND PROSECUTION'S
MARCH 10, 2011, NEW
EVIDENTIARY ARGUMENTS**

16 The Department of Transportation respectfully submits its Responses to the Advisory Team's
17 recent instructions, as contained in the March 9, 2011, email directed to all parties.

18 A. Response to D.1.

19 1. Reference to Precise Location of Documents Previously Submitted:

20 a. Please refer to the Department's contract/task order with consultant URS; a true
21 and correct copy of the document was attached to the Supplemental Declaration of Terry Davis,
22 submitted electronically on March 3, 2011 (concurrently with Department's Response to Prosecution
23 Team's Rebuttal). Pursuant to the Advisory Team's pre-hearing instructions, the Department also
24 sent paper copies to the Advisory Team by overnight mail on March 9, 2011

25 2. Additional Documents Submitted Herewith:

26 a. A copy of the April 6, 2006, Incidental Take Statement (ITS) by National Marine
27 Fisheries Service (NMFS), requiring retention of a biologist for the Confusion Hill project, and
28 describing the tasks to be undertaken by the biologist;

1 b. The Department contacted URS to obtain a copy of its subcontract for biological
2 monitoring, and received a document (URS-IBIS subcontract) which is attached hereto. The
3 Department was informed that subcontractor IBIS retained the Aquatic Resource Specialists
4 biologists, Bradford Norman and Carl Page, to work as employees of IBIS for the Confusion Hill
5 project. Based on this information, it appears that Aquatic Resource Specialists -- as a firm -- did not
6 technically have a contractual relationship with either the Department, URS, or IBIS. (It is not
7 known to the Department why Messrs. Page and Norman submitted reports under the Aquatic
8 Resource Specialists letterhead; that could have been the result of a business arrangement between
9 IBIS and Page/Norman, or other circumstances, to which the Department was not privy.)

10 B. Response to D.2.

11 1. Weekly reports. Weekly reports were to be submitted by the biologist(s) to NMFS and the
12 Department of Fish and Game (DFG). (See, attached May 16, 2006, letter from the Department to
13 NMFS. (An earlier, February 7, 2006, Department-NMFS/DFG letter is also attached for context.))
14 The purpose of the reports and photographs was to document any unanticipated effects of work
15 activities on salmonids and/or to document any necessary fish relocation (id. pages 2 and 3). The
16 URS-IBIS subcontract also referenced weekly reports with respect to fish relocation at page 2. The
17 bottom of page 1 also provides for reports pertaining to cofferdam installation monitoring, but a
18 "weekly" requirement was not specified. The URS-IBIS subcontract appears to be silent with respect
19 to photographs to be taken by monitors. Only the Department-NMFS/DFG letter mentions photos in
20 a weekly context.

21 2. Annual reports. The NMFS ITS required that the Department submit an annual report by
22 January 15 of each construction year. The contents of the report are described in the NMFS
23 document, and make reference to photographs related to unanticipated effects on salmonids, and
24 revegetation. The annual reporting requirement (albeit without specific references to photographs)
25 was encompassed within the Department-URS contract task order, and in the URS-IBIS subcontract.
26 The Department understands that the IBIS monitors prepared substantial portions of the annual
27 reports, submitted them to URS, which reviewed and modified the reports. URS then submitted the
28 reports to the Department, which reviewed them and thereafter provided them to NMFS as required.

1 3. Neither the NMFS ITS , the Department’s URS contract, the URS-IBIS subcontract, nor
2 the Department’s correspondence with NMFS/DFG provided a mechanism for the Department to
3 verify or challenge the weekly reports. As indicated above, the Department-NMFS/DFG
4 understanding was that the weekly reports would be submitted directly by the biologists to the
5 agencies, and this appears to have been the practice.

6 The Department was given an opportunity to “comment” on the consultant’s draft of the
7 annual reports (page 4 of Department-URS task order) prior to finalization. As the Department did
8 not interpret the monitoring reports and photographs to signify facts, conditions, and conclusions
9 indicative of violations (with respect to the charges that are in dispute), the question of whether the
10 Department could (or should have) questioned or challenged reports/photographic images did not
11 appear to have arisen. In this regard, it is noted that while the monitors had the authority to shut
12 down the project, through the Resident Engineer, if they determined that adverse effects to salmonids
13 were created by the Contractor, as to the disputed violations it does not appear from their reports that
14 the monitors made such a determination or exercised such authority.

15 Should the Advisory Team require any further information or documentation regarding the
16 biological monitoring contracts for the subject project, please advise.

17 C. Department’s Response to PT’s March 10, 2011, New Evidentiary Arguments

18 In the event that an additional opportunity may not be given to respond to several new
19 arguments raised by the PT on the hearsay issue, the Department respectfully submits a brief
20 response to the Prosecution Team’s March 10, 2011, note.

21 • As an argument against a hearsay ruling, the PT cites to the Department’s provision of the
22 monitoring reports in the context of the Water Code §13267 Order in 2006. The Department
23 produced the reports in compliance with an explicit mandate in the November 27, 2006, Order.
24 While the Order directed the preparation of reports by the Department for the specific purpose of
25 Order compliance, it also required provision of -- amongst other materials -- copies of monitoring
26 reports that already existed. The Department’s conveyance of the pre-existing documents did not
27 convert the monitors into “agents”, waive a hearsay objection in the context of an ACL that had not
28 been brought, or constitute an admission that the PT’s interpretations of the reports, in 2011 or at any

1 point in time, were true and accurate. The Department's provision of the reports would affect issues
2 of authenticity, but the Department has not challenged their authenticity (other than where the PT has
3 redacted them and not clearly identified the redactions).

4 • The PT suggests that a hearsay ruling in this case could curtail the Board's ability to rely on
5 third-party reports in other situations, specifically citing contaminated site cleanups. It is not the
6 Department's position that contractors' records cannot be utilized in regulatory compliance matters
7 in the ordinary course of business, or even in adjudicatory hearings. However, the laws of evidence
8 as set forth in Gov. Code §11513 -- and as echoed in the Advisory Team's recent notes, the Hearing
9 Procedures notice, and the Board's webpage -- apply to formal hearings such as the subject one. The
10 PT's attempted use of statements which are in many instances ambiguous, and photographs which
11 lack context, starkly highlights the importance of the evidentiary safeguards provided by the law.
12 Having chosen to interpret selected materials as evidence of numerous and significant violations,
13 without reference to the monitors' thought processes or intent, it is the PT's responsibility to secure
14 the admissibility of the materials under rules applicable to this case.

15 • The PT infers that the relationship of a principal to an agent can exist in an evidentiary
16 context even where it does not exist in any other context. This suggestion is misguided. The legal
17 status of agency does not hinge on the evidentiary needs of a litigating party, but exists as a separate
18 and independent legal matter. (Civil Code §2295.) In this case, the question of whether the monitors
19 were designated by the Department as agents, contractors, or both, must be answered by reference to
20 the relevant contracts and other proper evidence. It is also noted here that the Department's
21 identification of the monitors as contractors initially occurred in December 2006 and should
22 therefore have not constituted a surprise to the PT. (See, page 2 of December 13, 2006, response to
23 technical information.)

24 • The Department does not interpret the Advisory Team's notes as implying a requirement that
25 Regional Boards depose authors of reports. In fact, had the PT identified the monitors as witnesses,
26 it would have been incumbent upon the responding parties to depose the named witnesses. (The
27 PT's unexplained characterization as "false" the Department's statement that it would have deposed
28 the monitors is irreconcilable with the fact that the Department, in conjunction with MCM, deposed

1 every witness on the PT's list.) The very fact that the PT chose to not list the monitors is what has
2 placed the PT in its current evidentiary bind. Moreover, every PT witness was asked whether they
3 had spoken to the monitors; had any PT witness responded he/she had discussed the charges with the
4 monitors, the responding parties would have likely chosen to depose them at that point.

5 • Whether or not the reports are deemed to be hearsay, the PT must satisfy the fundamental
6 admissibility requirements of Gov. Code §11513(c). To the extent the PT's March 10, 2011, infers
7 otherwise, the premise is incorrect. To prevail on any charges the PT must satisfy its burden of
8 proof. It must overcome the Department's objections to the photos on the grounds of relevancy,
9 which were asserted due to Mr. Grady's inability to testify that the photos actually depict what the PT
10 has assumed and/or the photographs were taken on the dates specified. As indicated in the Advisory
11 Team's March 9, 2011, note, "In some cases it may be proper to make inferences from photographs;
12 however, photographs submitted as direct evidence of violations should be substantiated." Further,
13 where the Department has objected that cited reports do not support violations, the PT has the burden
14 of demonstrating the reports mean what the PT asserts.

15 • The Department does not have a clear understanding of the PT's statement that "[t]he
16 Prosecution Team took the risk of not carrying its burden for certain violations that are based only on
17 the face of the Biological Monitors' reports or photographs, but in doing so we shifted the burden to
18 impeach statements in the reports to Caltrans and MCM . . . " To the extent the PT suggests or
19 implies that once a regulatory prosecutor makes a charge, no matter how untenable it is, or how far
20 short of legal burdens and admissibility standards it falls, that the burden shifts to the defense to
21 negate the charge, the PT demonstrates a fundamental misunderstanding of the law and due process
22 requirements.

23 In sum, the Department has much at stake in this case. From the outset of the proceeding the
24 Department openly questioned the validity and admissibility of much of the evidence and many of
25 the charges themselves, while also admitting that certain of the charged violations did occur at the

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1 jobsite. The Department has welcomed the Advisory Team's recent instructions as recognizing the
2 serious nature of this proceeding and the absolute necessity for adherence to applicable legal
3 requirements.

4 Respectfully submitted,

5 BEALS, GOSSAGE, BACA, ZAZZERON, JENSEN

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7 By: 
8 Attorneys for CALIFORNIA DEPARTMENT
9 OF TRANSPORTATION
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1 **Case Name: The State of California, Department of Transportation, Confusion Hill Bypass**
2 **Project**

3 **Case No.: R11-2009-0095**

4 **PROOF OF SERVICE**

5 I, the undersigned, say: I am, and was at all times herein mentioned, employed in the City and
6 County of San Francisco, over the age of 18 years and not a party to the within action or proceedings;
7 that my business address is 595 Market Street, Suite 1700, San Francisco, California 94105; that on the
8 date set forth below, I served the within

9 **DEPARTMENT OF TRANSPORTATION'S RESPONSES TO PRE-HEARING**
10 **INSTRUCTIONS, AND PROSECUTION'S MARCH 10, 2011, NEW**
11 **EVIDENTIARY ARGUMENTS**

12 on all parties in said action by:

13 — (MAIL) by placing a true copy thereof enclosed in a sealed envelope for each person(s)
14 named below, addressed as set forth immediately below the respective name(s), with
15 postage thereon fully prepaid as first-class mail. I deposited the same in a mailing facility
16 regularly maintained by the United States Post Office for the mailing of letter(s) at my
17 above-stated place of business.

18 — (PERSONAL SERVICE) by placing a true copy thereof enclosed in a sealed envelope, for
19 each person(s) named below, and caused such envelope to be delivered by hand to the
20 address(es) as set forth immediately below the respective name(s) pursuant to this Proof of
21 Service.

22 — (FACSIMILE TRANSMITTAL) by faxing a true copy thereof as indicating by the
23 address(es), and facsimile telephone number(s) for each person(s) named below as set forth
24 immediately below the respective name(s) pursuant to this Proof of Service.

25 — (OVERNIGHT SERVICE) by placing a true copy thereof enclosed in a sealed envelope
26 and deposited on the date set forth below, in a Federal Express pickup facility regularly
27 maintained by Federal Express for the delivering of letters and packages located at my
28 above-stated place of business.

X (E-MAIL) by attaching a copy of the Word processing file in PDF format.

21 Samantha Olson, Esq.
22 California Regional Water Quality Control
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24 North Coast Region
25 Office of Chief Counsel
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28 Sacramento, CA 95812-0100

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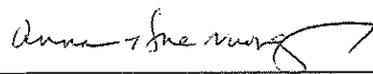
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 16, 2011 at San Francisco, California.



Anna Hue Vuong, Declarant

DEPARTMENT OF TRANSPORTATION

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*Flex your power!
Be energy efficient!*

May 16, 2006

Mr. Dan Logan
National Marine Fisheries Service (NMFS)
777 Sonoma Avenue Room 325
Santa Rosa, CA 95401-6515

Ms. Corrine Gray
California Department of Fish and Game
P.O. Box 47
Yountville, CA 94599

Subject: Modifications to the request for approval of Monitoring Plans pursuant to NMFS file 151422SWR04SR9151:DJL

Dear Mr. Logan and Ms Gray:

On behalf of the Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans) conducted a Section 7 consultation for impacts to salmonids as a result of the relocation of US Highway 101 at Confusion Hill in Mendocino County, California. The biological opinion (BO) is dated November 4, 2005. In Section IX 2.g, the biological opinion states that prior to any work within the 100-year flood plain of the South Fork of the Eel River (SFER) or any blasting related to the Confusion Hill project, FHWA or Caltrans shall ensure that a hydroacoustic monitoring program is implemented at the project site. In addition, section IX 2.h. requires Caltrans to ensure funding for implementation of mitigation measures, and for monitoring of these measures in a form and amount acceptable to and approved in writing by National Marine Fisheries Service (NMFS) and the California Department of Fish and Game (CDFG). Lastly, section IX 2.i. of the BO requires written approval from your agency regarding a biological monitoring plan.

This transmittal provides the additional information requested in an electronic message from NMFS and verbal agreements during a phone conference between NMFS, DFG and Caltrans on April 4, 2006.

HYDROACOUSTIC MONITORING

The project will require blasting for the construction of the through-cut on the peninsula. Blasting may also be utilized for the bridge abutments. Caltrans has proposed no in-stream blasting; the nearest site is at pier 2 of the North Bridge. To minimize impacts to salmonids Caltrans will use pre-splitting and controlled blasting methods. The specifications ensure that a monitoring plan is implemented at the project site.

The Contractor shall submit a written controlled blasting plan to the Resident Engineer for approval. The controlled blasting plan shall include provisions for performing and monitoring test blasting and controlled blasting. The controlled blasting plan shall provide for limiting the maximum peak particle velocity of any one of the three mutually perpendicular components of ground motion in the vertical and horizontal directions, or their resultant, to 50 mm/second, air overpressure to 125 dBc, underwater noise to 190 dBc and for controlling fly rock during blasting. After each test blast or controlled blast, if underwater noise readings exceed 190 dBc, all blasting shall cease until a qualified blasting consultant hired by the Contractor reviews the site and determines the cause and solution to the underwater noise problem. Before blasting is restarted, the Contractor shall submit a written report revising the controlled blasting plan to meet underwater noise limits to the Resident Engineer for approval.

For each blast the Contractor shall install underwater noise monitoring equipment in the nearest pool within the South Fork Eel River greater than two meters in depth. A State biologist shall determine the actual locations for placement of underwater noise monitoring equipment. During blasting for the north bridge, technicians will monitor pools (greater than two meters in depth) within 100 meters of the blast site, up to five pools, given that access to a pool does not create a safety hazard to technicians. The equipment used to monitor underwater blast noise levels shall be the type specifically manufactured for that purpose.

The Contractor shall furnish a permanent, signed and dated monitoring record of peak particle velocity readings, air overpressure readings and underwater noise readings to the Engineer for review and approval within 24 hours after the test blast. The next blast shall not be performed until after the Engineer has approved the monitoring record.

BIOLOGICAL MONITORING

Construction related activities

In channel activities will be monitored by a State biologist. Weekly reports shall be submitted to the NMFS and DFG. The report shall include the dates construction began and was completed; a discussion of any unanticipated effects or

Mr. Dan Logan, Ms. Corinne Gray
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unanticipated levels of effects on salmonids, a description of any and all measures taken to minimize those unanticipated effects and a statement as to whether or not the unanticipated effects had any affect on ESA-listed fish; the number of salmonids killed or injured during the project action; and photographs taken before, during, and after the activity from photo reference points.

Fish Relocation Activities

Fish relocation activities shall occur according to the guidelines in the BO, sections V. A and IX. D 1.a-d. Since the SFER is a perennial stream and instream piles are necessary for the trestles, cofferdams may be used to isolate the small area surrounding temporary trestle piles from the stream. The Contractor shall notify the Engineer in writing a minimum of 10 days prior to starting work installing or removing cofferdam piling. Cofferdams shall not be constructed or removed unless a State Biologist is present. When a cofferdam is completed, before seal course concrete is placed, the Contractor shall allow the State Biologist to remove any trapped fish.

Fish within the cofferdams will be captured by seine, dip net and/or electrofisher, and then transported and released to a suitable instream location. Fish relocation activities will occur outside the adult fish migration period. Sites selected for relocating fish would have similar water temperature as the capture site and would have ample habitat, for both the captured fish and the fish already present. All captured fish shall be kept in cool, shaded, aerated water protected from excessive noise, jostling or overcrowding any time they are not in the stream and fish shall not be removed from the water until released. To avoid predation the biologist shall have at least two containers and segregate young-of-year fish from larger age-classes and other potential aquatic predators. All fish should be relocated as soon as possible.

Electrofishing, if used, shall be performed by a qualified biologist and conducted according to the NOAA Fisheries Guidelines for *Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act*, June 2000.

The State biologist shall notify NMFS and DFG one week prior to capture activities in order to provide an opportunity for NMFS staff to observe the activities. The biologist shall notify NMFS biologist Daniel Logan by phone immediately at (707) 575-6053 or the NMFS Santa Rosa Area Office at (707) 575-6050 if any salmonids are found dead or injured. The biologist shall retain all salmonid mortality until specific guidelines are provided by NMFS.

If fish relocation activities are needed a weekly report will be submitted to NMFS and DFG. The report shall include a description of the location from which fish

were removed and the release site including photographs; the date and time of the relocation effort; a description of the equipment and methods used to collect, hold, and transport salmonids; if an electroshocker was used for fish collection, a copy of the logbook must be included; the number of fish relocated by species; the number of fish injured or killed by species and a brief narrative of the circumstances surrounding ESA-listed fish injuries or mortalities; and a description of any problems which may have arisen during the relocation activities and a statement as to whether or not the activities had any unforeseen effects.

Water quality monitoring

A State Biologist shall monitor inchannel activities and performance of sediment control or detention devices for the purpose of identifying and reconciling any condition that could adversely affect salmonids or their habitat.

The contractor shall install and remove cofferdams as directed by the Resident Engineer through consultation with the state biologist to minimize adverse effects to salmonids.

The State Biologist shall monitor dewatering activities involving water that comes into contact with wet cement during construction to ensure that it is fully contained.

The State biologist shall monitor bentonite use and containment of bentonite or other chemicals used as lubricants to ensure they do not enter waters of the US.

The biologist shall regularly monitor storm water Best management Practices (BMP's) to see that they are adequately placed and maintained.

The State Biologist and Resident Engineer are responsible for monitoring of fuel storage and refueling sites to ensure placement in upland locations. Servicing of equipment, aside from equipment on platforms, will also be conducted in an upland location. The biologist and project engineer will make sure that the contractor is taking necessary action to monitor and prevent fluid leaks in their equipment.

If the Contractor creates adverse effects to salmonids or salmonid habitat, as determined by the State Biologist, the Resident Engineer will order the Contractor to stop work on the operations creating adverse effects to salmonids or salmonid habitat until the conditions causing adverse effects to salmonids or salmonid habitat are corrected. In addition, those operations cannot resume until NMFS agrees that the proposed measures are appropriate to correct the adverse conditions.

Revegetation monitoring

A State Biologist or Revegetation Specialist shall be present to direct and monitor the initial installation of the plants at the revegetations site(s). Thereafter, the State Specialist will determine the appropriate amount of oversight and proceed with monitoring of the planting.

Final success criteria will be monitored twice annually, at the beginning and end of each growing season. Individual survival, apparent vigor and height of randomly sampled plant materials will be measured. The initial standard for success outlined in the September 20, 2005 revegetation plan was 80 percent survival of plantings and 80 percent ground cover for broadcast planting seed (with the exception of solid rock slopes) after a period of three years. This is also stated as the standard for success in the November 4, 2005 Biological Opinion. Given the nature of the disposal material (mostly rock), the 80 percent survival of plantings may not be achievable. The success criteria will remain the same, but the monitoring period will be extended from three to five years. A total of 10 acres will be planted, and will include areas on the existing highway after it is decommissioned and disposal sites and fill slopes. Caltrans is planning to import topsoil and compost at the disposal sites and fill slope locations; however, it is prudent to recognize that this success rate may not be achievable due to the fact that the underlying soil will be mostly comprised of rock and most of the slopes are south and west facing.

To ensure a successful revegetation effort, all mitigation plantings shall be monitored and maintained (including irrigation as necessary) for five years. At the end of the five year monitoring program the revegetation effort should have 80 percent vegetative cover. If the cover requirements are not meeting these goals, Caltrans is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Furthermore, if the proposed sites are unable to meet the proposed success criteria, Caltrans may propose an alternative site within the project area with an equal or greater acreage. All replacement plants in the original or newly proposed sites shall be monitored with the same requirements for five years after planting. An annual status report on the revegetation shall be provided to NMFS and DFG by December 31 of each year. This report shall include the percent cover of each species (relative abundance), the total percent canopy cover for the herb, shrub and tree layer, and average height of both tree and shrub species for each separate area planted. The report shall also include a description of the locations planted or seeded, the area (m²) revegetated, a plant palette(# of each species planted), planting or seeding methods, the efforts taken to ensure success of new plantings, performance or success criteria and methods used to assess the parameters, and color photographs of the revegetated area from designated photo stations.

ANNUAL REPORTING

As directed in section 4 of the incidental take permit (IX) Caltrans shall provide a written report to NMFS and CDFG by January 15 following completion of each construction season.

In order to minimize the impact of incidental take, the FHWA and Caltrans must report the progress of the action and its impact on the species to NMFS and CDFG as specified in the incidental take statement (50 CFR 402.14(i)(3)). Caltrans is required to prepare and submit an annual report to document effects of construction, fish relocation activities and performance.

If fish relocation activities are needed a report will be submitted to NMFS and DFG in the annual report due January 15 of each year. The report shall include a description of the location from which fish were removed and the release site including photographs; the date and time of the relocation effort; a description of the equipment and methods used to collect, hold, and transport salmonids; if an electroshocker was used for fish collection, a copy of the logbook must be included; the number of fish relocated by species; the number of fish injured or killed by species and a brief narrative of the circumstances surrounding ESA-listed fish injuries or mortalities; and a description of any problems which may have arisen during the relocation activities and a statement as to whether or not the activities had any unforeseen effects.

Information on noise monitoring will also be included in the annual report submitted to NMFS and DFG. It will include the following elements:

1. Identification of instrument used.
2. Name of qualified observer and interpreter.
3. Distance and direction of recording station, (ground, air or underwater), from blast area.
4. Type of ground at recording station and material on which instrument is sitting.
5. Maximum peak particle velocity in each component.
6. A dated and signed copy of seismograph readings record.
7. Air overpressure readings.
8. Location, approximate size and measured depth of pool, and depth of underwater noise monitoring equipment.
9. Underwater noise readings recorded in both peak decibels(dBc) and root mean squared decibels.

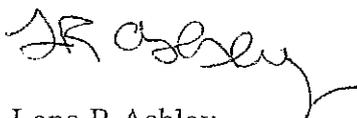
Mr. Dan Logan, Ms. Corinne Gray
May 16, 2006
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Furthermore, Project Blasting Records, as described, should provide useful information to understand the potential effects of underwater sound, and will be included, as follows:

1. Blast identification by numerical and chronological sequence.
2. Location (referenced to stationing), date and time of blast.
3. Type of material blasted.
4. Number of holes.
5. Diameter, depth and spacing of holes.
6. Logs of drill hole characteristics.
7. Height or length of stemming.
8. Types of explosives used.
9. Type of caps used and delay periods used.
10. Total amount of explosives used.
11. Maximum amount of explosives per delay period of 9 milliseconds or greater.
12. Powder factor (kilograms of explosive per cubic meter of material blasted).
13. Method of firing type.
14. Weather conditions, including wind direction.
15. Direction and distance to nearest structure or structures of concern.
16. Type and method of instrumentation.
17. Location and placement of instruments.
18. Instrumentation records and calculations (blast monitoring reports) for determination of peak particle velocity, air overpressure and underwater noise.
19. Measures taken to limit peak particle velocity, air overpressure, underwater noise and fly rock.
20. Any unusual circumstances or occurrences during blast.
21. Measures to limit over-break.
22. Name of Contractor.
23. Name and signature of responsible blaster:

If your agency approves of the hydroacoustic monitoring plan and the biological monitoring plan please provide written confirmation. If you have any questions or would like to schedule a field review, please contact Susan Leroy, Project Biologist, at (707) 441-6048.

Sincerely,



Lena R. Ashley
Chief, North Region Environmental Services

DEPARTMENT OF TRANSPORTATION

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*Flex your power!
Be energy efficient!*

February 7, 2006

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777 Sonoma Avenue Room 325
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Ms. Corrine Gray
California Department of Fish and Game
P.O. Box 47
Yountville, CA 94599

Subject: Request for approval of Monitoring Plans pursuant to NMFS file
151422SWR04SR9151:DJL

Dear Mr. Logan:

On behalf of the Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans) conducted a Section 7 consultation for impacts to salmonids as a result of the relocation of US Highway 101 at Confusion Hill in Mendocino County, California. The biological opinion (BO) is dated November 4, 2005. In Section IX 2.g, the biological opinion states that prior to any work within the 100-year flood plain of the South Fork of the Eel River (SFER) or any blasting related to the Confusion Hill project, FHWA or Caltrans shall ensure that a hydroacoustic monitoring program is implemented at the project site. In addition, section IX 2.h. requires Caltrans to ensure funding for implementation of mitigation measures, and for monitoring of these measures in a form and amount acceptable to and approved in writing by National Marine Fisheries Service (NMFS) and the California Department of Fish and Game (CDFG). Lastly, section IX 2.i. of the BO requires written approval from your agency regarding a biological monitoring plan.

Recently the activity at the slide location has increased, and it is imperative that we go to construction this summer. We request your approval by March in order to go to construction this year.

HYDROACOUSTIC MONITORING

The project will require blasting for the construction of the through-cut on the peninsula. Blasting may also be utilized for the bridge abutments. Caltrans has proposed no in-stream blasting; the nearest site is at pier 2 of the North Bridge. To minimize impacts to salmonids Caltrans will use pre-splitting and controlled blasting methods outlined in the attached specifications (Section 10-1. ROCK EXCAVATION.) Please refer to the enclosure for more details. The specifications ensure that a monitoring plan is implemented at the project site.

The Contractor shall submit a written controlled blasting plan to the Resident Engineer for approval. The controlled blasting plan shall include provisions for performing and monitoring test blasting and controlled blasting. The controlled blasting plan shall provide for limiting the maximum peak particle velocity of any one of the three mutually perpendicular components of ground motion in the vertical and horizontal directions, or their resultant, to 50 mm/second, air overpressure to 125 dBc, underwater noise to 190 dBc and for controlling fly rock during blasting. After each test blast or controlled blast, if underwater noise readings exceed 190 dBc, all blasting shall cease until a qualified blasting consultant hired by the Contractor reviews the site and determines the cause and solution to the underwater noise problem. Before blasting is restarted, the Contractor shall submit a written report revising the controlled blasting plan to meet underwater noise limits to the Resident Engineer for approval.

For each blast the Contractor shall install underwater noise monitoring equipment in the nearest pool within the South Fork Eel River greater than two meters in depth. A Caltrans Biologist shall determine the actual locations for placement of underwater noise monitoring equipment. Site conditions at the time of controlled blasting may require additional underwater noise monitoring equipment. It is anticipated that five or more pools may require underwater noise monitoring. The equipment used to monitor underwater blast noise levels shall be the type specifically manufactured for that purpose.

The Contractor shall furnish a permanent, signed and dated monitoring record of peak particle velocity readings, air overpressure readings and underwater noise readings to the Engineer for review and approval within 24 hours after the test blast. The next blast shall not be performed until after the Engineer has approved the monitoring record.

ENSURANCE OF FUNDING

A letter from the project manager was prepared on September 21, 2005 to provide financial assurance that the funds are secured for revegetation and fishery

Mr. Dan Logan
February 6, 2006
Page 3 of 5

mitigation work. A copy is enclosed. It is the opinion of Caltrans' legal department that the September 21, 2005 letter satisfies the condition to ensure funding for minimization, mitigation and monitoring be. If you disagree please notify Susan Leroy at 707.445.6048 immediately.

BIOLOGICAL MONITORING

Fish Relocation Activities

Fish relocation activities shall occur according to the guidelines in the BO, sections V. A and IX. D 1.a-d. Since the SFER is a perennial stream and instream piles are necessary for the trestles, cofferdams may be used to isolate the small area surrounding temporary trestle piles from the stream. The Contractor shall notify the Engineer in writing a minimum of 10 days prior to starting work installing or removing cofferdam piling. Cofferdams shall not be constructed or removed unless a State Biologist is present. When a cofferdam is completed, before seal course concrete is placed, the Contractor shall allow the State Biologist to remove any trapped fish.

Fish within the cofferdams will be captured by seine, dip net and/or electrofisher, and then transported and released to a suitable instream location. Fish relocation activities will occur outside the adult fish migration period. Sites selected for relocating fish would have similar water temperature as the capture site and would have ample habitat, for both the captured fish and the fish already present. All captured fish shall be kept in cool, shaded, aerated water protected from excessive noise, jostling or overcrowding any time they are not in the stream and fish shall not be removed from the water until released. To avoid predation the biologist shall have at least two containers and segregate young-of-year fish from larger age-classes and other potential aquatic predators. All fish should be relocated as soon as possible.

Electrofishing, if used, shall be performed by a qualified biologist and conducted according to the NOAA Fisheries Guidelines for *Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act*, June 2000.

The biologist shall notify NMFS and Fish and Game one week prior to capture activities in order to provide an opportunity for NMFS staff to observe the activities. The biologist shall notify NMFS biologist Daniel Logan by phone immediately at (707) 575-6053 or the NMFS Santa Rosa Area Office at (707) 575-6050 if any salmonids are found dead or injured. The biologist shall retain all salmonid mortality until specific guidelines are provided by NMFS.

Water quality monitoring

A State Biologist shall monitor inchannel activities and performance of sediment control or detention devices for the purpose of identifying and reconciling any condition that could adversely affect salmonids or their habitat.

The contractor shall install and remove cofferdams as directed by the Resident Engineer through consultation with the state biologist to minimize adverse effects to salmonids.

The State Biologist shall monitor dewatering activities involving water that comes into contact with wet cement during construction to ensure that it is fully contained.

The State biologist shall monitor bentonite use and containment of bentonite or other chemicals used as lubricants to ensure they do not enter waters of the US.

The biologist shall regularly monitor storm water Best management Practices (BMP's) to see that they are adequately placed and maintained.

The State Biologist and Resident Engineer are responsible for monitoring of fuel storage and refueling sites to ensure placement in upland locations. Servicing of equipment, aside from equipment on platforms, will also be conducted in an upland location. The biologist and project engineer will make sure that the contractor is taking necessary action to monitor and prevent fluid leaks in their equipment.

If the Contractor creates adverse effects to salmonids or salmonid habitat, as determined by the State Biologist, the Resident Engineer will order the Contractor to stop work on the operations creating adverse effects to salmonids or salmonid habitat until the conditions causing adverse effects to salmonids or salmonid habitat are corrected. In addition, those operations cannot resume until NMFS agrees that the proposed measures are appropriate to correct the adverse conditions.

Revegetation monitoring

A State Biologist or Revegetation Specialist shall be present to direct and monitor the initial installation of the plants at the revegetations site(s). Thereafter, the State Specialist will determine the appropriate amount of oversight and proceed with monitoring of the planting.

Final success criteria will be monitored twice annually, at the beginning and end of each growing season. Individual survival, apparent vigor and height of randomly

Mr. Dan Logan
February 6, 2006
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sampled plant materials will be measured. The initial standard for success outlined in the September 20, 2005 revegetation plan was 80 percent survival of plantings and 80 percent ground cover for broadcast planting seed (with the exception of solid rock slopes) after a period of three years. Given the nature of the disposal material (mostly rock), the 80 percent survival of plantings may not be achievable. Caltrans is planning to import topsoil and compost; however, it is prudent to change the plant survival success criteria to 60 percent rather than 80 percent. If the revegetation effort is not deemed to be successful by regulatory agencies, Caltrans shall work collaboratively with NMFS and CDFG to develop an alternate plan.

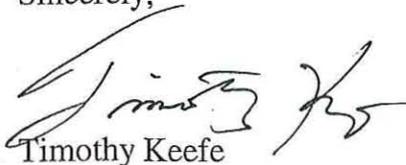
REPORTING

As directed in section 4 of the incidental take permit (IX) Caltrans shall provide a written report to NMFS and CDFG by January 15 following completion of each construction season.

In order to minimize the impact of incidental take, the FHWA and Caltrans must report the progress of the action and its impact on the species to NMFS and CDFG as specified in the incidental take statement (50 CFR 402.14(i)(3)). Caltrans is required to prepare and submit an annual report to document effects of construction, fish relocation activities and performance.

If your agency approves of the hydroacoustic monitoring plan, the ensurance of funding and the biological monitoring plan please provide written confirmation. We appreciate your working on the project and look forward to getting the project constructed while meeting our environmental commitments. If you have any questions or would like to schedule a field review, please contact Susan Leroy, Project Biologist, at (707) 441-6048.

Sincerely,



Timothy Keefe

Associate Environmental Planner/Archaeologist
Acting Chief, Caltrans North Region Environmental Branch E2

Enclosures: Rock Excavation Specification and September 21, 2005 letter

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-2014
FAX (707) 441-5733
TTY (Teletypewriter #707-445-6463)



*Flex your power!
Be energy efficient!*

September 21, 2005

Ms. Corrine Gray

Dear Ms. Gray:

As you are aware we are in the process of finalizing our design for the Confusion Hill Highway Bypass project. This is an Emergency Project funded through the Federal Emergency Relief program, and is subject to a construction completion deadline of October 2009. In order to meet the completion date, work must commence by August 2006. This project will include the construction of two bridges to cross the South Fork Eel River and hillside excavation on the peninsula on the west side of the river between the two bridges. Construction of the bridges will require temporary trestles for falsework support and for equipment access. Caltrans staff have been working closely with local interest groups and Resource Agencies and have incorporated protective measures into the work to minimize impacts to natural resources.

This letter is to provide financial assurance that funds are secured for revegetation and fishery mitigation for work in the channel of the South Fork Eel River. These funds will be part of the Confusion Hill Realignment and/or separate projects and will be used to fulfill our commitment to fully mitigate for impacts associated with the Confusion Hill Bypass project.

Caltrans is committed to developing transportation improvement projects and being good stewards of the environment. We in District 1 have a proven track record of meeting our environmental commitments and are continually developing ways to improve our partnerships with the California Department of Fish and Game and other resource agencies.

If you have questions or need additional information please contact me at (707) 441-5729.

Sincerely,


JOHN BULINSKI
Project Manager

WORK ORDER NO. 050106-001

In accordance with the Subcontract for Individual Consulting Services ("Subcontract") between Ibis Environmental, Inc. ("Subconsultant"), and URS Corporation Americas a Nevada corporation, ("URS"), October 11, 2004, this Work Order describes the Work, Schedule, and charges and payment conditions for the Subconsultant's Work on the Project known as:

TO 34: Confusion Hill Biological Monitoring - URS Job No. 26815923

Subconsultant Authorized Representative: Sue Orloff

Address: 340 Coleman Drive

San Rafael, CA 94901

Telephone No: 415-459-3441

URS Authorizing Entity: URS Corporation dba URS Corporation Americas

URS Authorized Representative: Thomas O. Baily

Address: 1333 Broadway, Suite 800

Oakland, CA 94612-1924

Telephone No: (510) 893-3600

Work. The Work shall be described on Attachment A to this Work Order. Subconsultant shall perform the Work under the general direction of URS' Project Manager, Jeff Zimmerman, and shall furnish all labor, materials, supplies, equipment, supervision and services necessary for and incident to the performance of the Work. Subconsultant represents that it has thoroughly reviewed the Work and the Prime Contract and that it accepts the Work and the conditions under which the Work is to be performed.

Schedule. The Schedule shall be set forth on Attachment A to this Work Order. Subconsultant represents that the Schedule is reasonable.

Payment. The basis for determining the amount of charges, the frequency of billing, and special payment conditions shall be set forth on Attachment A to this Work Order.

**PLEASE SUBMIT ALL INVOICES TO:
URS CORPORATION - ACCOUNTS PAYABLE
1333 BROADWAY, SUITE 800
OAKLAND, CA 94612-1924**

Prime Contract. The Prime Contract, if applicable, is included as Attachment N/A to this Work Order.

Terms and Conditions. The terms and conditions of the Subcontract referenced above shall apply to this Work Order.

ACCEPTANCE of the terms of this Work Order is acknowledged by the following signatures of the Authorized Representatives of the parties to the Subcontract.

SUBCONSULTANT

Sue Orloff
Signature

SUE ORLOFF Principal
Typed Name/Title

5/9/06
Date of Signature

URS

Thomas O. Baily
Signature

Thomas O. Baily, Vice President
Typed Name/Title

7/25/06
Date of Signature

Contract No. 03A1051
Task Order No. 34
EA 01-397513

Task Order No. 34

Contract No.: 03A1051
Consultant Firm: URS Corporation Americas (Consultant)
Project Title: Confusion Hill
Location: Men 101 – PM 99.98 – PM100.7
District - EA: 01-397513
Term: April 6, 2006 – December 31, 2007
Amount: \$59,840

Expenditures FY 05/06: ~~\$20,214.74~~ 44,840 S.C.
Expenditures FY 06/07: ~~\$39,625.86~~ 15,000 S.D.

Consultant Project Manager: Jeff Zimmerman (510) 874-3005
Contract Manager: Doug Lange (530) 741-4465
Quality Assurance Manager: Susan Leroy (707) 445-6048

I. Purpose:

The purpose of this Task Order is to provide biological monitoring services during the relocation of Mendocino Route 101 at Confusion Hill. The project involves relocating the highway from the east side of the South Fork of the Eel River to the west side and will require two bridges and a through-cut.

II. Scope of Services:

WBS 235.05.15 – Biological Mitigation - Milestone 1 - Monitoring

The Consultant shall provide a professional Biologist for technical services required to monitor the effects of construction-related activities for all in-stream activities and during all blasting at the north bridge, for the State of California, Department of Transportation (Department). This monitoring is required by federal and state guidelines Endangered Species. The species of concern are primarily salmonids: Coho salmon, Chinook salmon, and steelhead trout. The in-stream activities are related to the installation of the false work for the north bridge, and access trestles near north and south bridge locations. The work could span up to 6 weeks and will require the Consultant to be available on an intermittent basis between approximately May 15 and July 31 in 2006. The Consultant must be available to be on site with 5 days advance notice.

Assumptions

- a. The monitoring will be conducted in 6 weeks at 8 hours a day.

Deliverables

- a. Work Plan
- b. Report of cofferdam installation monitoring, and fish relocation activity report, including identification of species, number of species on site, noting occurrence in/out of the established safety zone, and details of any observed disturbances resulting from the project activities.

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WBS 235.05.15 - Biological Mitigation - Milestone 2 - Fish Rescue

It may be necessary to conduct fish relocation activities. This will require a qualified professional with appropriate permits and equipment to be on site during the installation of the piles for the trestles. Personnel shall be approved by the Quality Assurance Manager, as required by section VIII of this Task Order.

The Consultant shall rescue all fish entrapped by the installation of cofferdam immediately after cofferdam closure. Fish will be captured by seine, dip net and/or electro fisher, recorded (species, numbers, mortality, etc.) and then transported and released to a suitable in-stream location. Fish relocation activities will occur outside the adult fish migration period. Sites selected for relocating fish would have similar water temperature as the capture site and would have ample habitat, for both the captured fish and the fish already present. All captured fish shall be kept in cool, shaded, aerated water protected from excessive noise, jostling or overcrowding any time they are not in the stream and fish shall not be removed from the water until released. To avoid predation the biologist shall have at least two containers and segregate young-of-year fish from larger age-classes and other potential aquatic predators. All fish should be relocated as soon as possible. Electro fishing, if used, shall be performed by a qualified biologist and conducted according to the NOAA Fisheries Guidelines for *Electro fishing Waters Containing Salmonids Listed Under the Endangered Species Act*, June 2000. State or federally listed fish species that are killed or found dead shall be retained and preserved (refrigerated or iced).

Assumptions:

- a. The fish rescue will be completed in 2 8-hour days with 2 people.

Deliverables:

- a. If a fish is harmed by fish relocation activities, or any other construction activity, the Quality Assurance Manager and the National Marine Fisheries Service (NMFS) Santa Rosa office shall be contacted immediately.
- b. A phone call is required from the Consultant Biologist to the Quality Assurance Manager at the end of each business day regarding the day's events.
- c. Reports of fish relocation measures must be submitted weekly. This written report should include the species and number of fish relocated, where the fish were relocated to and a count of fish deaths.

WBS 270.30.xx.10 - Milestone 3 - Water Quality Monitoring

The Consultant Biologist shall monitor in-channel activities and performance of sediment control or detention devices for the purpose of identifying and reconciling any condition that could adversely affect salmonids or their habitat.

Each day the Consultant Biologist is present duties shall include monitoring storm water utilizing Best Management Practices (BMP's) to see that appropriate erosion control

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measures are adequately placed and maintained. This may include, but is not limited to the following:

- The contractor is required to maintain the area of backwater on the areas available for contractors use map.
- Water that comes into contact with wet concrete (concrete washings) shall be completely contained.
- There shall be no discharge to surface waters.
- Each day the Consultant Biologist is present between May 1, 2006 and October 1, 2006, duties shall include monitoring construction dewatering, which may utilize a sedimentation basin as long as it is located at least 100 feet from the active channel. (No water that has come into contact with concrete shall be discharged.)
- Each day the Consultant Biologist is present between October 2, 2006 and April 31, 2007, duties shall include monitoring construction dewatering which may utilize sedimentation basins above the 100-year flood plain.
- Drilling muds are to be contained and removed. If fissures in the rocks lead to discharge of bentonite, measures will be taken to avoid the discharge.
- The Consultant Biologist and Resident Engineer are responsible for monitoring of fuel storage and refueling sites to ensure placement in upland locations. Servicing of equipment, aside from equipment on platforms, will also be conducted in an upland location. The Consultant Biologist and Resident Engineer will make sure that the contractor is taking necessary action to monitor and prevent fluid leaks in their equipment.

Assumptions

- a. The monitoring will be conducted 3 8-hour days a week for 3 weeks.

WBS 270.30.xx.10 - Milestone 4 – Hydro-Acoustic Monitoring during Rock Excavation

The Consultant Biologist may be required to ensure that hydro-acoustic monitoring activities are properly conducted. If it is determined that hydro-acoustic monitoring activities must be conducted, specifications for the noise monitoring requirements will be provided to Consultant. The Department will request Consultant to provide a Cost Proposal for these activities and a Task Order Amendment will be executed to include the expanded scope of work and associated costs. The Consultant shall not commence performance of work or services for Milestone 4 until a Task Order Amendment has been approved by the Department, and a notice to proceed given.

III. Reports and Meetings

1. The Consultant Task Order Manager and Project Manager shall meet with the Department Quality Assurance Manager and/or the Department Resident Engineer, and the Environmental Construction Liaison (Melinda Molnar), as often as necessary to ensure they share a common understanding of the Task Order objectives.
2. Consultant shall provide a draft written report to the Department by November 15, 2006 and November 15, 2007, following completion of each construction season that monitoring is required. The report shall include survey dates, scope of monitoring,

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proactive measures taken to avoid biological impacts, issues encountered, resource agency communication and measures taken to solve problems. If it is determined that additional monitoring is required in subsequent years, a Task Order Amendment must be executed for the additional work to be performed, prior to commencement of work.

- 3. The Consultant shall conduct project administration functions related to staff coordination, billing, and other administrative duties. Administrative functions shall include preparation of monthly invoices, progress reports and a Task Order financial summary report. Task Order financial summary reports must indicate the expenditures for current month billed, the prior month billed, forecasted expenditures for the next month, and forecasted expenditures for the remainder of the fiscal year.

IV. Period of Performance

This task order shall begin on April 6, 2006, contingent upon approval and execution, and shall terminate on December 31, 2007. The Consultant shall not commence performance of work or services under this Task Order until it has been approved by the State and notification to proceed has been issued by the Contract Manager. No payment will be made for any work performed prior to approval or after the period of performance on the Task Order.

V. Cost

- A. The Consultant will be paid for actual hours worked in accordance with contract language in Exhibit A, Section 3 – Task Orders; Exhibit B, Section 2 – Compensation and Payments; the Consultant's Cost Proposal referenced in Exhibit A, Section 1, Paragraph A; and with the Task Order cost estimate, which is attached and incorporated by this reference.
- B. In addition, the Consultant will be paid for actual direct costs, other than salary costs, that are identified in the attached cost estimate pursuant to Exhibit B, Section 2 – Compensation and Payment of the Contract.
- C. If additional work is required that is not addressed in Section II – Scope of Services, a Task Order Amendment is required. No payment will be made for any additional work performed prior to approval of a Task Order Amendment.
- D. The total amount payable by the Department under this Task Order shall not exceed **\$59,840.**

VI. Project Schedule and/or Deliverables Due Dates

<u>Milestone/Items/Action</u>	<u>Due Date</u>
Consultant start work - prepare work plan	4/6/06
Consultant submit work plan	5/1/06
Department's work plan comments due	5/5/06
Consultant revise work plan	5/11/06
Department's approval of work plan	5/12/06
Consultant draft report	11/15/06 and 11/15/07

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Department's comments 10 days after receipt of draft
 each year
 Final report sent to Quality Assurance Manager 12/15/06 and 12/15/07

VII. Materials Supplied by the Department

- Noise monitoring specifications.
- NMFS Biological Opinion including fish relocation guidelines
- California Department of Fish and Game consistency determination
- 401 Water Quality Certification from North Coast Regional Water Quality Control Board
- 404 Nationwide permit from the San Francisco Army Corps of Engineers
- 1600 Permit from the California Department of Fish and Game
- Maps of the access for construction within the 100-year floodplain
- Letter to Resident Engineer file and summary of appropriate specifications

VIII. Project Personnel

The Department Contract Manager must approve statement of qualifications for key staff and new job classifications assigned to this Task Order. All requests for new personnel must be submitted to the Department Quality Assurance Manager for approval prior to forwarding to the Department Contract Manager for approval.

The Department and URS Corporation Americas designate the following individuals as principal contacts for the work outlined in this Task Order.

FOR THE DEPARTMENT

Contract Manager

Doug Lange
 Consultant Services Unit
 P.O. Box 911
 Marysville, CA 95901-0911
 Phone: (530) 741-4465
 FAX: (530) 741-4390
 E-mail: doug_lange@dot.ca.gov

Quality Assurance Manager

Susan Leroy, Associate Biologist
 Dept. of Transportation, District 1
 P.O. Box 3700
 Eureka, CA 95501
 Phone: (707) 445-6048
 FAX: (707) 441-5775
 E-mail: susan_leroy@dot.ca.gov

FOR URS CORPORATION AMERICAS

Consultant Project Manager

Jeff Zimmerman
 1333 Broadway, Suite 800
 Oakland, CA 94612
 Phone: (510) 874-3005
 FAX: (510) 874-3268
 E-mail: jeff_zimmerman@urscorp.com

Consultant Task Order Manager

Corinna Lu
 1333 Broadway, Suite 800
 Oakland, CA 94612
 Phone: (510) 874-1789
 FAX: (510) 874-3268
 E-mail: corinna_lu@urscorp.com

Contract No. 03A1051
Task Order No. 34
EA 01-397513

IV. Signatures

I certify that this Task Order No. 34 and attachments comply with the provisions of Contract No. 03A1051 and are necessary for the satisfactory completion of the product(s) contracted for, and that sufficient funding has been encumbered to pay for this work.

DOUGLAS H. LANGE
Chief, Consultant Services Unit
Department Contract Manager

Date: _____

I certify that this Task Order No. 34 and attachment(s) are within the scope of the project and are necessary for the successful completion of the project.

Susan Leroy
Department Quality Assurance Manager

Date: _____

IN WITNESS WHEREOF, this Task Order No. 34 has been executed under the provisions of the Contract No. 03A1051 between the State of California, Department of Transportation, and the URS Corporation Americas. By signature below, the parties hereto agree that all terms and conditions of this Task Order No. 34 and Contract No. 03A1051 shall be in full force and effect.

I certify that I have read the "Description of Services" for this Agreement and in my expert opinion:

1. The work described in this Task Order is included in the required services and
2. The work described in this Task Order is an Architectural and Engineering (A&E) services, as defined in Government Code 45256 (d) through (f).

STATE OF CALIFORNIA
Department of Transportation

URS CORPORATION AMERICAS

By: _____
BRENDA L. SCHIMPF

By: _____
LOUIS J. ARMSTRONG

Chief, Office of Program Support
District 3

Vice President
Manager of Environmental Services

Date: _____

Date: _____

Jeff
Zimmerman/Oakland/URSCor
P
05/01/2006 09:32 AM

To Jennifer Raneses/Oakland/URSCorp@URSCORP, Dreama
Howard/Oakland/URSCorp@URSCORP
cc Carinna Lu/Oakland/URSCorp@URSCorp
bcc

Subject Fw: Task Order #34 - Notice to Proceed (Confusion Hill Bio
Monitoring)

We have written authorization to proceed for Task Order #34 involving biological monitoring (fish) and water quality monitoring at the Caltrans Confusion Hill project. Please complete the necessary paperwork and URS work authorizations. Please note that we have a subcontractor on this task order, Ibis, who will need a work order/subcontract and purchase order to allow them to proceed.

Cory Lu is the task order manager.

Thanks
Jeff

This e-mail and any attachments are confidential. If you receive this message in error or are not the intended recipient, you should not retain, distribute, disclose or use any of this information and you should destroy the e-mail and any attachments or copies.

--- Forwarded by Jeff Zimmerman/Oakland/URSCorp on 05/01/2006 09:27 AM ---



Janet Macias
<janet_macias@dot.ca.gov>
04/28/2006 07:34 AM

To jeff_zimmerman@urscorp.com
cc Susan Leroy <susan_leroy@dot.ca.gov>, Karen Spiess
<karen_spiess@dot.ca.gov>
Subject Task Order #34 - Notice to Proceed

Good Morning Jeff,

Attached please find the Notice to Proceed for Task Order No. 34 - Confusion Hill Biological Monitoring Project, effective yesterday 4/27/06. If you have any questions please do not hesitate to call either me. You can call Susan Leroy at (707) 445-6048 to coordinate the elements of your work.

(See attached file: URS Cost Proposal.pdf) (See attached file: NtoP.pdf) (See attached file: TO #34 4-6-06 added wbs codes FINAL.doc) (See attached file: Schimpf signature.pdf)

Thanks,
Jan Macias
Consultant Services Unit
District 3 - North Region
(530) 741-4065
(530) 741-4390 fax