

EXHIBIT

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Declaration of Julie Macedo

**Prosecution Team Case-in-Chief
Confusion Hill Bypass Project**

18.2
285 file ~~18.2~~

Evan Paine (epaine@mcmconstructioninc.com) - Tue, 09/30/08 09:15:29 -0700

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From: Sebastian Cohen <sebastian_cohen@dot.ca.gov>
To: epaine@mcmconstructioninc.com,jporteous@mercerfraser.com
Subject: Fw: Confusion Hill Winterization
Date: Tue 09/30/08 09:02 AM

Att: James/Joel
FYI
EVAN

Evan-

I think I screwed up in the address section of the e-mail. I'm not sure if Justin received it or not. My guys in the field said that they have been talking with Cartwright and Hamm about some of the issues. As my e-mail states, we just need to be prepared for the upcoming rains, which sounds like it will start tomorrow PM. There is still a lot of uncovered disturbed soil areas. Some of the areas are extra work, but that doesn't change the fact that we need to get it done.

thanks.....

SEBASTIAN COHEN, PE
Resident Engineer - Confusion Hill Realignment
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----- Forwarded by Sebastian Cohen/D01/Caltrans/CAGov on 09/30/2008
08:21
AM -----

Sebastian

Cohen/D01/Caltran

s/CAGov

To

epaine@mcmconstructioninc.com"Justi
09/29/2008 05:21

n Porteous"

PM

<jporteous@mercerfraser.com>

cc

Subject

Confusion Hill Winterization

(Document link: Sebastian Cohen)

Evan & Justin-

We were essentially suppose to have all of the 'winterization plan' in place by the 20th, and 100% complete by a drop dead date of Oct 1. It sounds like we could be getting a fairly good storm come this Wednesday. The first week after our winterization meeting we did fairly well at getting things going. We sprayed several areas with bonded fiber matrix (some areas were a little thin, and some were completely missed, but much of it was done we cleared and organized some specific problem areas on 271, but not completely to the level needed; and we began the task of getting all of the necessary BMPs implemented/replaced/refurbished at other spots. With that said, all of the measures we went over for the winterization lan must be implemented by Wednesday COB. For the measures that are 100% CCO, we have CCO #5, #17, as well as others that can be utilized (ask Arvin or Dan Wing). I am not in anyway trying to act in a threatening manner, or come off as advisarial, but my staff and I are completely done when it comes to waiting and asking about the SWPPP implementation. The contract makes it fairly clear that this is your responsibility to get implemented.

[If all measures are not implemented by COB Wednesday, i will be taking a % deduct on the next estimate period. I do not want to, but this seems to be the only way to get everyone's attention. So, lets get as many crews as we need out in the field and get all of that work done. Arvin and Dan have a substantial list of what we went over and what still needs to be done. Justin and Joe C know of all areas, except the specific ones that Dan Wing and myself went over with LADD, and I believe that those are almost all complete - with a few exceptions. There are a few new locations and there will be a few that we missed that will need attention on Wed when it rains. We must be ready to respond and fix problems on the first day when it rains. Make sure we have several bodies ready to respond. Being unprepared, in terms of available bodies and materials (hay bails; fiber

rolls; silt fencing; plastic, etc...) will not be a valid excuse. The
ite
is much different this year compared to last, which means it will have
different drainage patterns, and in fact it will likely be much easier,
but we must act to take advantage of this.

Arvin & Dan have a full list, so if you have questions please ask them.
I
will be down on site tomorrow (Tues) if you'd like to meet or discuss
the
issues.

My recommendations are to get two or three crews doing work ASAP.

CCO work that is highest priority that is solely on Caltrans includes
covering the small slipout in the thru cut on the north end (slide four
slipout); installing culvert and downdrain on new access road/new 271
intersection; and new DI and culvert and downdrain on paved access road
below Pier 2 SB.

Other high priorities are drainage systems at abutments; covering all
disturbed spoil areas that aren't under active work; making sure all
thru-cut runoff water does not leave the cut but rather flows into large
saed basins within the cut; and creating non-erosive concentrated flow
paths at all other areas. Also- we need to decommission the upper
access
road to A4SB (the one that never got used:)

Justin-One of the biggest issues yet to be implemented is how we plan to
deal with concrete overflow water from the small two-bay washout
immediately at the plant. As of now, the water does not have a specific
flow path to an unlined basin or ???, which would contain it. This is
very
high on the water boards priority list. With the new contours in this
area, we need a new lined basin somewhere to contain this water. I
recommend just digging a new hole near the new low spot and place a new
empty tank that could be used if the two basins fill up (which they
will)-
and then when they flow to the new lined basin, we can say that your
plan
is to pump this into the tanks until its gone off. Flowing to the new
drainage system #5 under the trestle road is not an acceptable plan.

FYI- You all should read Condition 19 of the 401 permit (water board
permit). In short, it states that I must take pictures of BMPs and
submit
report showing that we meeting their requirements. They have stated to
me
that they are very interested in this, so I want to make the report and
pictures show that we are on the ball. I was supposably late last year
and
provided insufficient info to them.

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