

Colorado River Basin Regional Water Quality Control Board

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND
ORDER**

Effective Date: June 5, 2017

Program Type: Fill/Excavation

Project Type: Roads and Highways

Project: 1E581 Widen Highway. EFIS 0816000072 (Project)

Applicant: California Department of Transportation (Caltrans), District 8

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Reg. Meas. ID:	412932
Place ID:	834726
WDID:	7B363036001
USACOE#:	NWP 14 Non-reporting

Water Board Contact Person:

If you have any questions, please call Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) Staff listed above or (760) 346-7491 and ask to speak with the Water Quality Certification and Wetlands Unit Program Manager

- Attachment A** Maps
- Attachment B** Receiving Waters, Impact, and Mitigation Information
- Attachment C** CEQA Findings of Facts
- Attachment D** Signatory Requirements

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the California Department of Transportation (herein after Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on April 13, 2017. The application was deemed complete on April 21, 2017

II. Public Notice

Public Notice (5-9-2017) was done on May 9, 2017 and completed on May 30, 2017.

III. Project Description

Caltrans proposes to widen US Route 95 from Milepost (PM) 40 to PM 40.4 to approximately 20 feet from the centerline on each side of road and install ground-in rumble strips along the centerline and outside shoulders of the highway. Work includes roadway excavation, cleaning and grubbing, and pavement marking. Before construction starts, desert tortoise fence shall be placed approximately 45 feet from the centerline and 10 feet inside of the right of way (ROW) line. The area from the existing shoulder to the proposed cut and fill line was considered permanent impact due to slope recontouring. The proposed cut and fill line is located approximately 36 feet from the centerline. The area from the proposed cut and fill line to the tortoise fence was considered temporary impact due to construction access. The staging area for the project will have tortoise fence on the perimeter and is located on a previously disturbed area at PM 40. Construction equipment and activity will be kept within the desert tortoise fence. The work period is approximately 30 working days.

IV. Project Location

City or area: US-95 approximately 20 miles south of Needles in San Bernardino County, California

Longitude/ Latitude: 114°34'51.75"W / 34°35'45.01"N

V. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of Colorado River Basin Regional Water Quality Control Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) for the Colorado River Basin Region and other plans and policies which may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. Project impact and receiving waters information can be found in Attachment A. Colorado River is the receiving water.

The Basin Plan was prepared by the California Regional Water Quality Control Board, Colorado River Basin Region, in accordance with criteria contained in the California Porter-Cologne Water Quality Control Act, the Federal Clean Water Act, and other

pertinent state and federal rules and regulations. It includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal anti-degradation policies.

VI. Description of Direct Impacts to Waters of the U.S.

Construction of the proposed project would result in less than 0.19 acres total(Temporary/permanent Streambed unvegetated) impacts and 729 linear feet impacts

Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

Table 1: Total Project Fill/Excavation Quantity									
Aquatic Resource Type	Temporary Impact ¹			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY ²	LF	Acres	CY	LF	Acres	CY	LF
Lake									
Ocean/bay/estuary									
Riparian Zone									
Stream Channel	0.11		430	0.08	299				
Vernal Pool									
Wetland									

VII. Description of Indirect Impacts to Waters of the State

No indirect impact to Waters of the State is anticipated because the proposed repair work shall be conducted when it is not raining where the repair work is taking place and when there is no flow in the washes; and because the Permittee shall be using Best Management Practices as described below.

VIII. Avoidance and Minimization

Caltrans shall use the following Best Management Practices (BMPs) to minimize impacts during construction:

- Temporary fiber roll
- Temporary soil binders
- Temporary covers

¹ Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

² Cubic Yards (CY); Linear Feet (LF)

- Temporary gravel bag berms

Fiber rolls will help stabilize soil adjacent to the unvegetated wash during construction. The temporary construction entrance, washout facility and drainage inlet protection will all minimize the chance of construction related fluids and/or sediment from getting into the unvegetated wash.

Temporary BMP's will be implemented in place to prevent sedimentation from entering the watercourse that may be caused by equipment storage areas if used. The storage areas, if used, will occur on already disturbed highway system land adjacent to rural habitat of the dry stream channel.

Other actions/BMPs will be implemented to avoid and/or minimize impacts to Waters of the U.S., including water conservation practices, vehicle and equipment cleaning and maintenance, temporary waste management & material BMPs.

IX. Compensatory Mitigation

The Permittee agrees to provide compensatory mitigation for direct, described in section VI, to mitigate for permanent loss of 0.08 acres of streambed, at a ratio of 3:1, through either purchase 0.24 acres of credits from a Regional Water Board-approved mitigation or conservation bank OR shall provide for both the permanent protection and management of 0.24 acres of dry desert washes are equal or better than the impacted areas.

All temporary impacted areas will be returned to pre-construction contours. The shoulder of the highway, will be re-seeded with the following seed mix (ambrosia dumosa, ambrosia salsola, bromus carinatus, baileya multiradiata, eriogonum fasciculatum v. foliolosum, eschscholzia californica, encelia farinosa, festuco microstachys, larrea tridentata, phacelia campanularia).

X. California Environmental Quality Act (CEQA)

Caltrans adopted a Categorical Exemption, Class 1(c) – (PRC 21084; 14 CCR 15300 et seq) for the project on April 6, 2017. The Colorado River Basin Water Board has reviewed the 401 Water Quality Certification application materials submitted, and has independently determined that the Project is categorically exempt from review under CEQA pursuant to section 21084 of the Public Resources Code and California Code of Regulations, title 14, section 15301. In accordance with CEQA Guidelines section 15062, the Colorado River Basin Water Board will file a Notice of Exemption with the Office of Planning and Research upon approval of the CWA section 401 WQC.

XI. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XII. Fees Received

An application fee of \$4145 from two checks (\$2150 and \$1995) was received in total April 19, 2017. An additional fee of \$1760 was received on April 21, 2017.

The total fee amount of \$5905 was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

XIII. Conditions

The Colorado River Basin Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watersheds of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

A. Authorizations

- a. No toxic and/or hazardous materials shall be stored near or within wash/drainage areas. To extent possible, these materials will be offsite and/or placed in appropriate secondary containment.
- b. Work shall be performed under “no flow” conditions in the washes to preclude potential impacts to water quality.
- c. Work and staging areas and temporary access routes shall be sized, located and flagged so as to limit potential impacts to natural areas. Previous disturbed areas shall be used to the extent feasible.
- d. No fueling or maintenance of equipment and/or vehicles shall occur adjacent or within the wash/drainage areas.
- e. Spoil sites shall not be located where spoil could be washed back into the river, or where spoil will cover aquatic or riparian vegetation. Any materials placed in seasonally dry portions of the canal/ drainage areas that could be washed downstream or could be harmful to aquatic life shall be removed from the streambed prior to inundation by high flows.
- f. After completing the activities, the disturbed area will be restored to pre-existing contours and conditions to the extent feasible.

B. Reporting and Notification Requirements

1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Colorado River Basin Water Board on the 15th of each month for duration of the construction phase (approximately one month). Monthly reporting shall

continue until the Colorado River Basin Water Board issues a Notice of Project Complete Letter to the Permittee.

- b. **Annual Reporting:** An Annual Report is not required because the work period will be less than a year (one month).
- c. **Other Reporting:** The Permittee shall take pictures of the area where repair work needs to take place documenting the before and after conditions of the area; and shall maintain a daily log, for each site where work is taking place pursuant to this Order, while the Permittee conducts its repair activities. The log shall:
- Identify the name of the name/ID and location of the bridge where repair work is being conducted;
 - Provide a general description of the repair work;
 - Specify the date and daily starting and ending time for the repair work;
 - Note key weather conditions (e.g., temperature, wind speed and direction, precipitation if any);
 - Include notes from visual observations regarding the presence/absence of construction debris/trash (e.g., discarded filter fiber) and used oil (e.g., oil that leaks from construction equipment) in the area where the work is taken place.

Within 30 days following completion of all repair work, the Permittee shall submit to the Colorado River Basin Water Board a summary report of the key daily log entries. The summary report shall include the above-mentioned before and after pictures of the conditions of the area and shall be signed by the Permittee's Project Manager.

2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities.
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Colorado River Basin Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Colorado River Basin Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.
- c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any

post-construction monitoring is complete,³ and no further Project activities will occur. This request shall be submitted to Colorado River Basin Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Colorado River Basin Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

3. Conditional Notifications and Reports: The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials⁴

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
 - first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at:
(800) 852-7550 or (916) 845-8911
 - Lastly follow the required OES procedures as set forth in:
[http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill Booklet Feb2014 FINAL BW Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill%20Booklet%20Feb2014%20FINAL%20BW%20Acc.pdf)
- ii. Following notification to OES, the Permittee shall notify Colorado River Basin Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- iii. Within five (5) working days of notification to the Colorado River Basin Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards: The Permittee shall notify the Colorado River Basin Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

³ Completion of post-construction monitoring shall be determined by Colorado River Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

⁴ "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
- ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

c. In-Water Work

- i. The Permittee shall notify the Colorado River Basin Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Colorado River Basin Water Board staff.

d. Modifications to Project

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Colorado River Basin Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Colorado River Basin Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order.

e. Transfer of Property Ownership: This Order is not transferable in its entirety or in part to any person or organization except after notice to the Colorado River Basin Water Board in accordance with the following terms:

- i. The Permittee must notify the Colorado River Basin Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Colorado River Basin Water Board at least 10 days prior to the transfer of ownership.
- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

C. Water Quality Monitoring

1. **General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).

The Applicant shall submit a Report to the Colorado River Basin Water Board within 30-days after encountering the pollutants and describe actions taken to correct the problem and provide photographic documentation that supports the information in the Report.

2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Colorado River Basin Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Colorado River Basin Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Colorado River Basin Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313).
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, 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 Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Colorado River Basin Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Colorado River Basin Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. Construction General Permit Requirement: The Permittee shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).

F. Administrative

1. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take

prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

2. The Permittee shall grant Colorado River Basin Water Board staff or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
3. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
4. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
5. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

G. Compensatory Mitigation for Permanent Impacts⁵

1. Compensatory Mitigation Plan

- a. The Permittee shall provide a final compensatory mitigation plan for written acceptance by Colorado River Basin Water Board staff. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by Colorado River Basin Water Board staff. Upon acceptance by Colorado River Basin Water Board staff, the Permittee shall implement the approved plan.

⁵ Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

- b. The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR § 230.94(c)
- c. Permittees fulfilling their compensatory mitigation obligations by securing credits from an approved mitigation bank or in-lieu fee program, need only include the items described in 40 CFR § 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used.

2. Permittee-Responsible Compensatory Mitigation Responsibility

- a. Permittee responsible compensatory mitigation installation shall be completed within 90 days of authorized impacts.
- b. The Permittee is responsible for the required compensatory mitigation in perpetuity. However, the Permittee may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:
 - i. Performance standards are met.
 - ii. A Transfer Agreement to a third party has been approved by Colorado River Basin Water Board staff.
 - iii. An endowment fund has been provided by the Permittee to a third party for management in perpetuity of the mitigation site.
 - iv. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by Colorado River Basin Water Board staff.
- c. Transfer of Long-Term Permittee-Responsible Compensatory Mitigation and Management Responsibility
 - i. A transfer agreement shall be submitted from an authorized representative of the new party (transferee) for acceptance by Colorado River Basin Water Board staff. This agreement shall demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Colorado River Basin Water Board under Water Code section 13385, subdivision (a).
 - ii. Notification of transfer of responsibilities meeting the above condition must be provided to the Colorado River Basin Water Board staff. A draft transfer agreement is due to Colorado River Basin Water Board staff no less than thirty (30) days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to Colorado River Basin Water Board staff within 30 days of the completion of the transfer.

XIV. Water Quality Certification

I hereby issue the Order for the 1E581 Widen Highway. EFIS 0816000072, WDID No. 7B363036001 certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act 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).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

Sr Frank Cisny, AEO
Jose L. Angel, P.E.
Executive Officer
Colorado River Basin
Water Quality Control Board

6-1-17
Date

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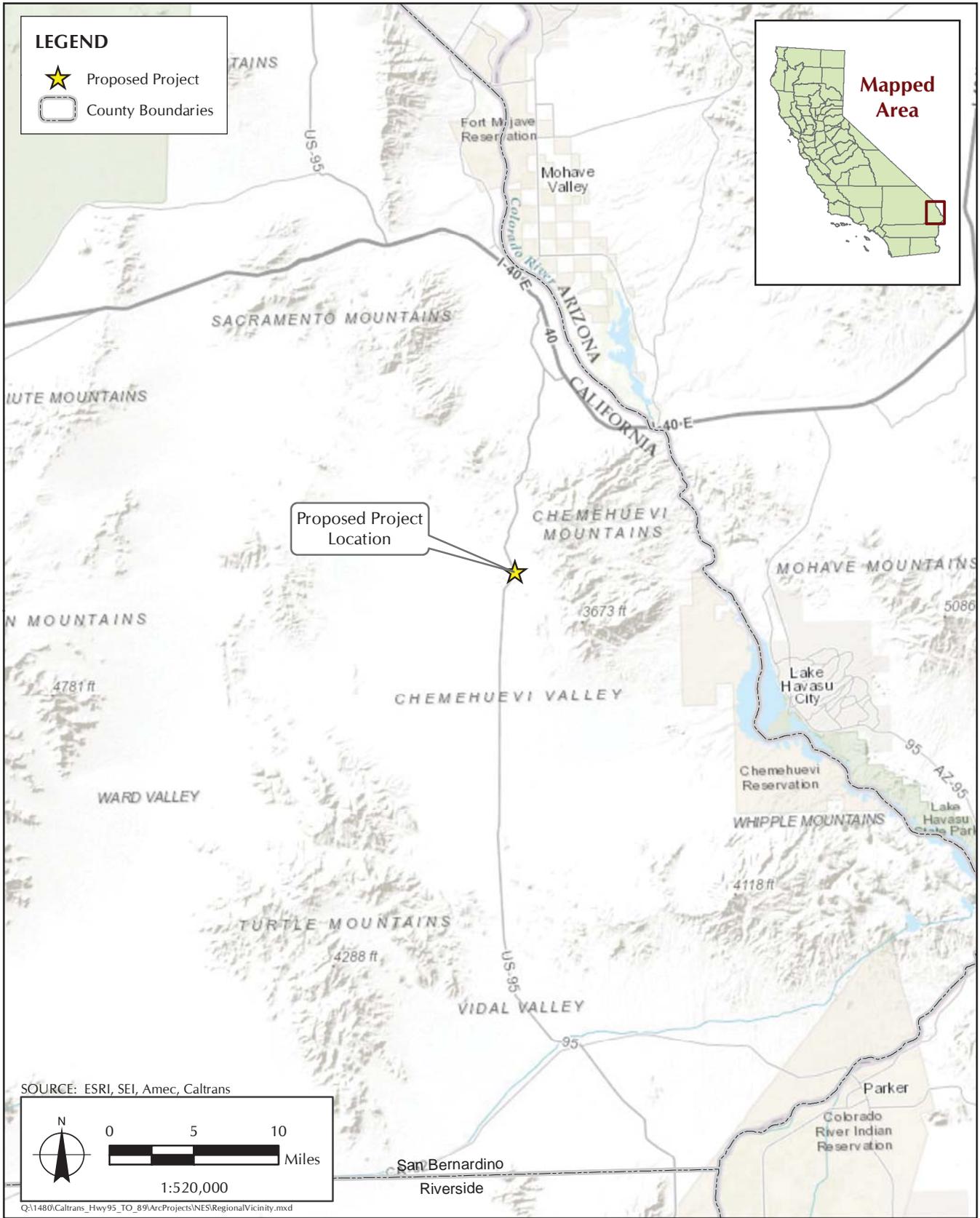
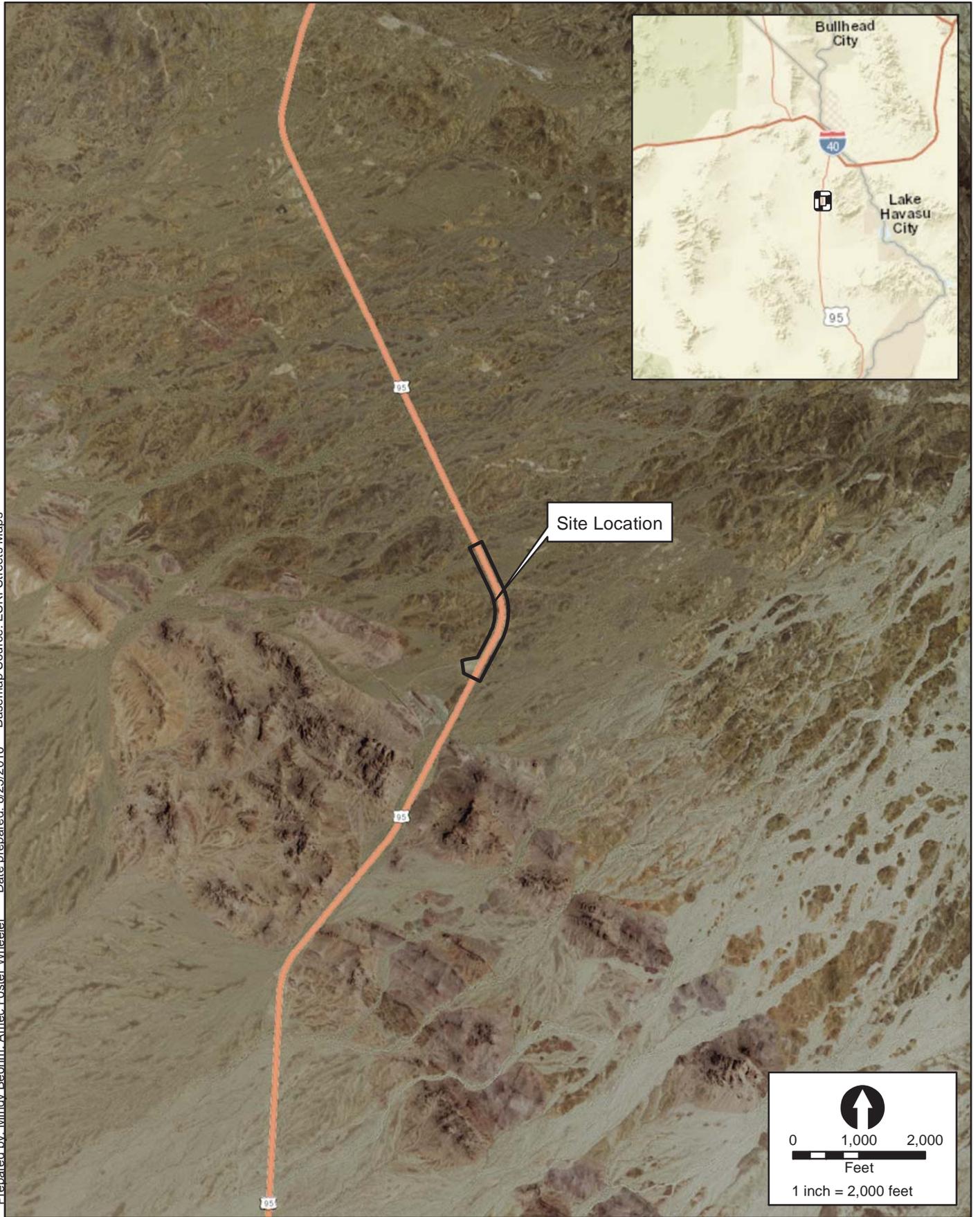


FIGURE 1
Project Location

Prepared by: Mincy Boehm, Aimee Foster, Wheeler Date prepared: 8/23/2016 Basemap Source: ESRI Streets Maps



\\RVS-FS1\RVShare\active projects\Caltrans Contract 08A2191\Task Orders\Task Order 89 - (US Route 95 - Widen Highway)\Maps\Report

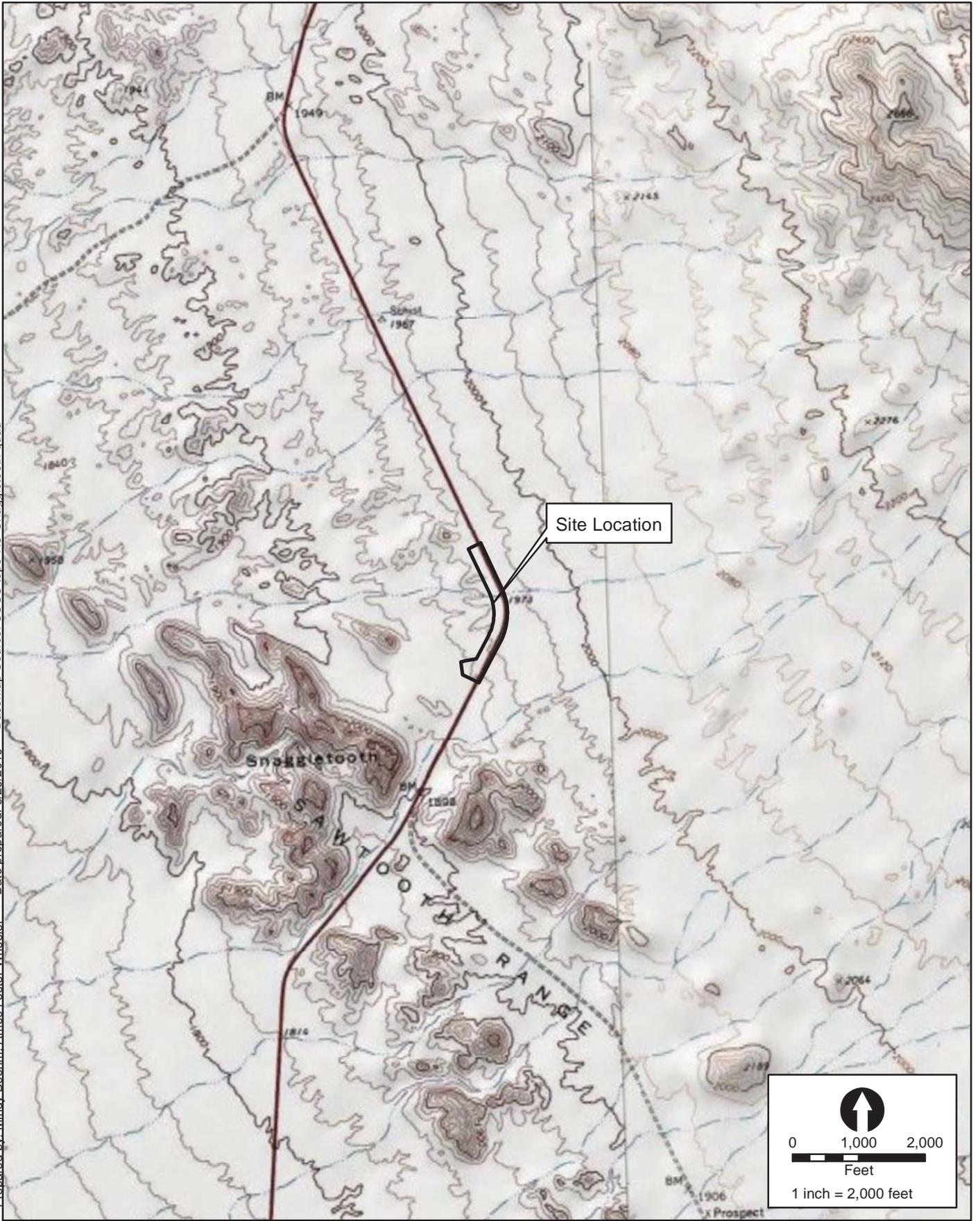
US Route 95 Highway Widening Project

Vicinity & Location

FIGURE

1

Prepared by: Mincy Boehm, Amec Foster Wheeler Date prepared: 8/23/2016 Basemap Source: USGS topo 7.5' Snaggletooth quad



\\RVS-FS1\RVShare\active projects\Caltrans Contract 08A2191\Task Orders\Task Order 89 - (US Route 95 - Widen Highway)\Maps\Report

US Route 95 Highway Widening Project

Topographic Map

FIGURE

2

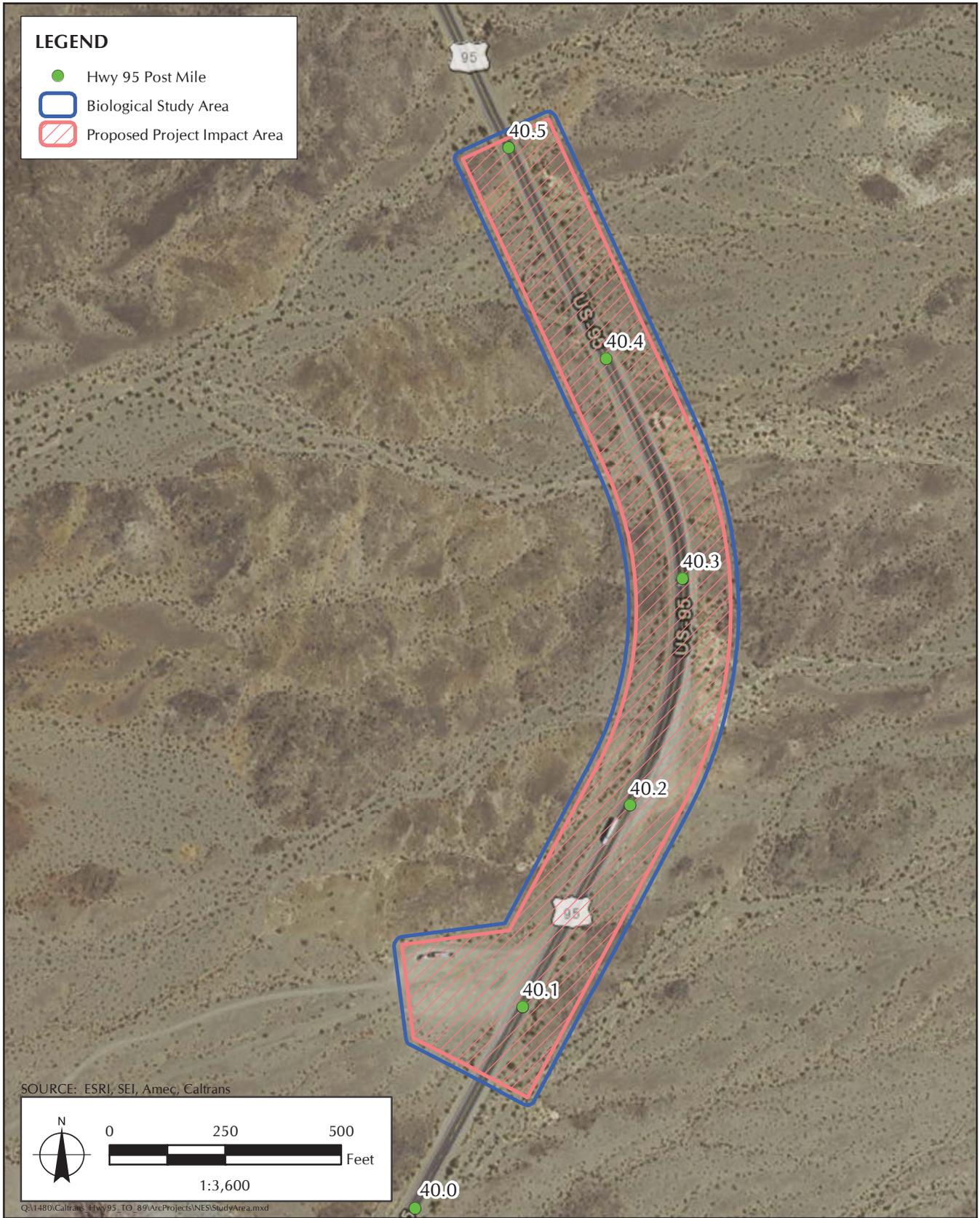


FIGURE 2
Project and Biological Study Area

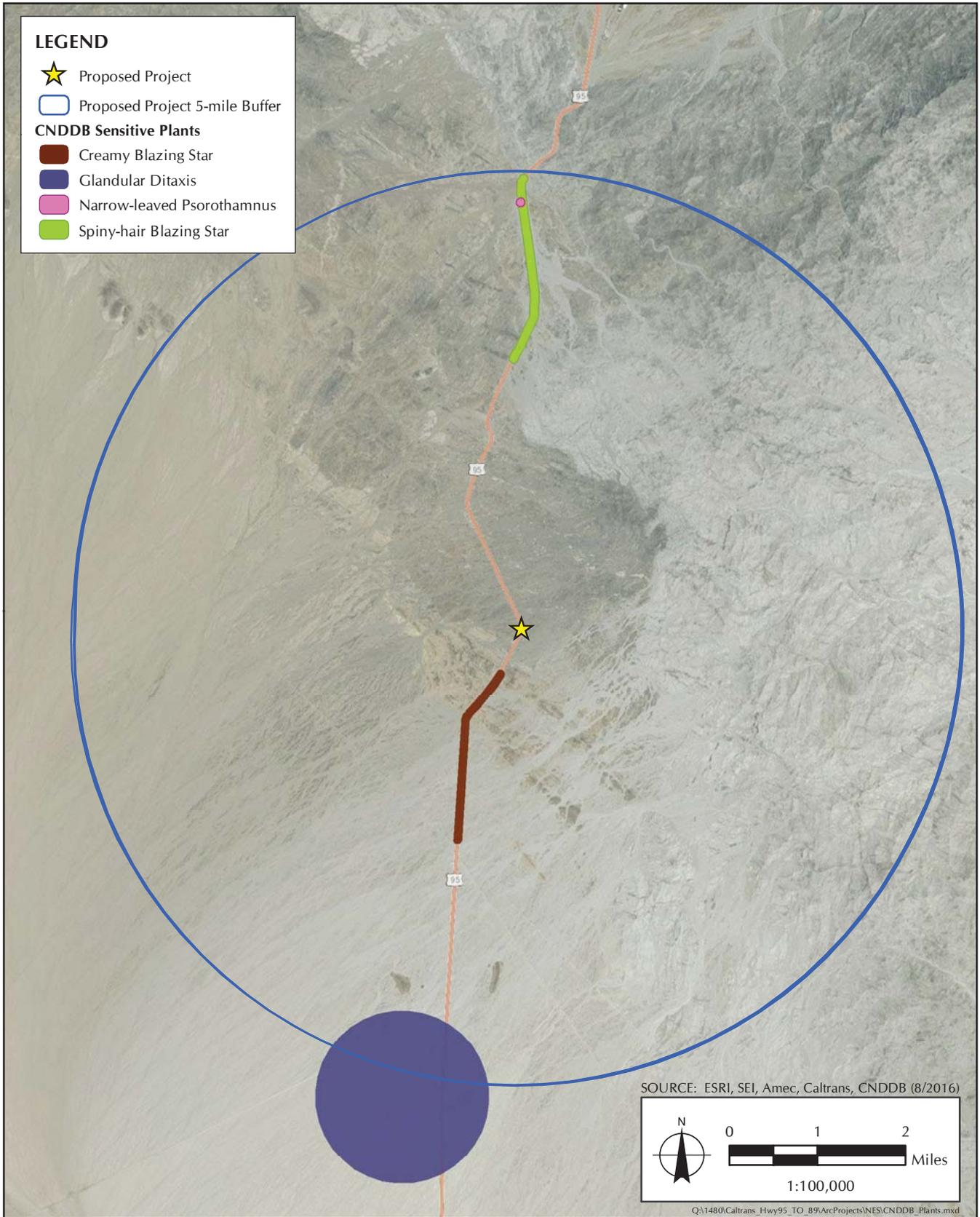


FIGURE 4
CNDDDB Sensitive Plant Occurrences within 5 Miles of the Proposed Project

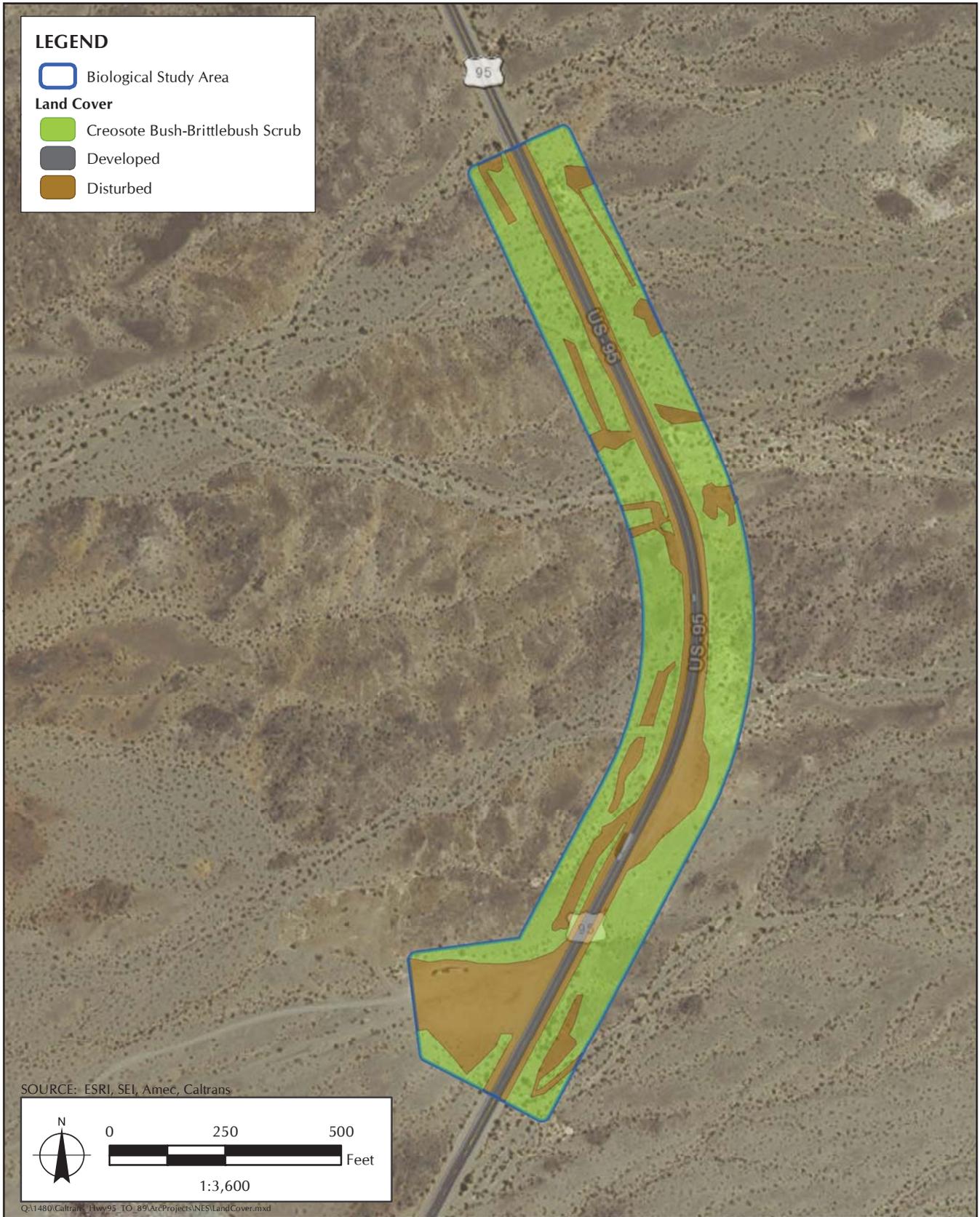


FIGURE 5
Land Cover in the Biological Study Area

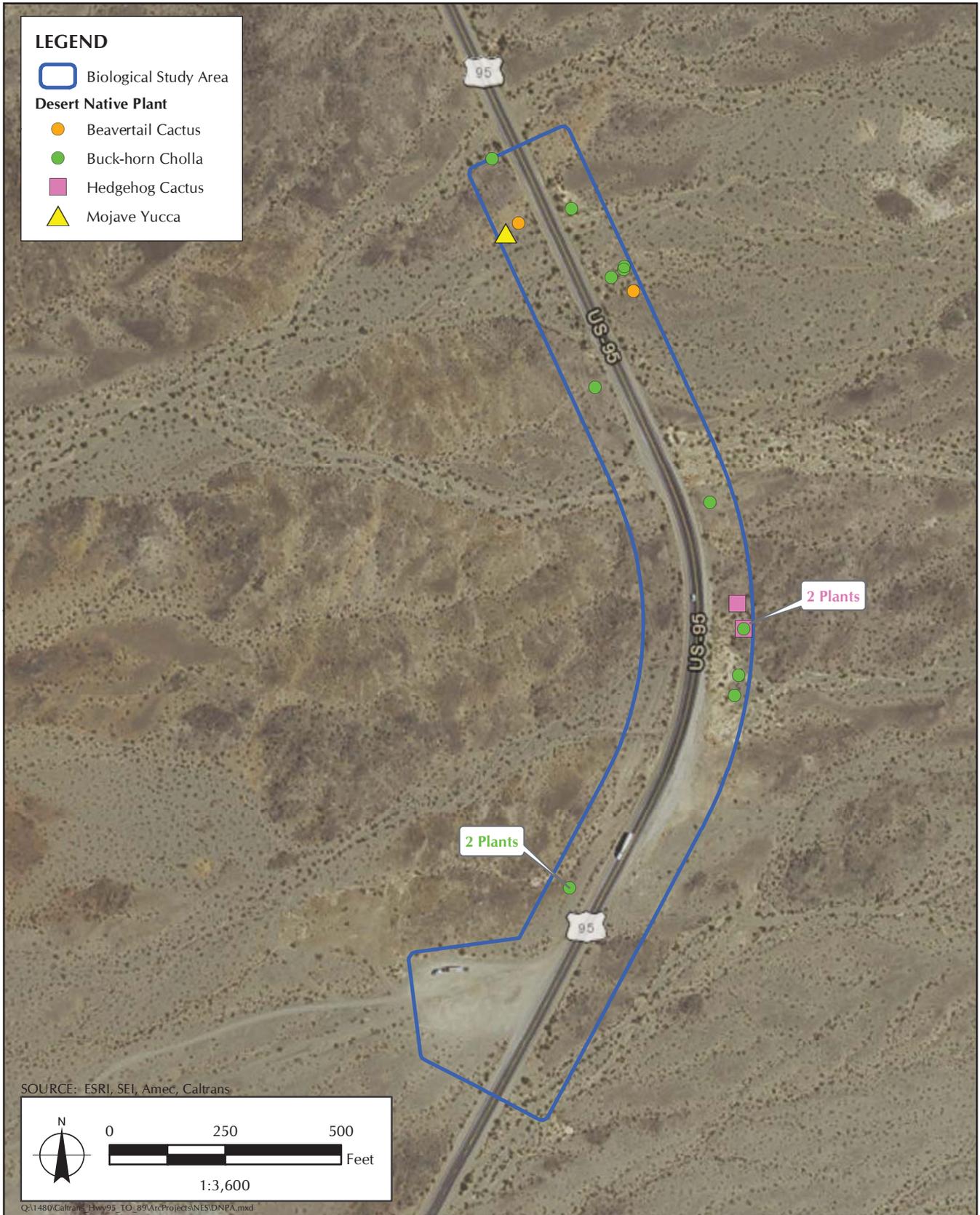


FIGURE 6
Desert Native Plants within Biological Study Area



CURVE DATA

NO.	R	A	T	L
1	820	52°48'12"	407.08'	755.70'

█	Cut and Fill Line (Extent of Perm. Impact)
█	Tortoise Fence (Extent of Temp. Impact)
█	Waters of the US/State & CDFW Juris.
█	Perm. Impacts to US/State & CDFW Juris.
█	Temp. Impacts to US/State & CDFW Juris.
█	Right of Way

"ALN2" 2121+61.59
290' Lt

"ALN2" 2120+00 - 172' Lt
END DESERT TORTOISE FENCE
REDIRECTIONAL CONFIGURATION

"ALN2" 2120+00 - 16' Lt
Beg SHD WIDENING (1)
Beg SHD RUMBLE STRIP (2)
Beg TAPERED EDGE (3)
MATCH EXIST

"ALN2" 2120+00
Beg MAINLINE COLD PLANE (1)
Beg CENTERLINE RUMBLE STRIP (2)
MATCH EXIST

#13 WUS 4ft

"ALN2" 2120+00 - 20' Rt
Beg SHD WIDENING (1)
Beg SHD RUMBLE STRIP (2)
Beg TAPERED EDGE (3)
MATCH EXIST

"ALN2" 2123+34.42
48' Lt

PT 2127+03.70

"ALN2" 2127+03.70
48' Lt

"ALN2" 2127+03.70
55' Rt



Photo 1 – Upstream-facing perspective of the southern-most ephemeral drainage.



Photo 2 - View of ephemeral drainage facing upstream.



Photo 3 - View of the largest drainage within the study area facing upstream.



Photo 4 – Upstream-facing perspective of an ephemeral drainage.



Photo 5 - View of ephemeral drainage facing upstream.



Photo 6 - View of the northern-most drainage within the study area facing upstream.

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Attachment B

Receiving Waters

The following table shows the receiving waters associated with each impact site.

Table 1: Receiving Water(s) Information								
Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID ¹
<input checked="" type="checkbox"/>	1	<i>Unnamed Tributary</i>	<i>Unvegetated tributary</i>		<i>Chemehuevi Wash, Lake Havasu</i>			

Individual Direct Impact Locations

The following table shows individual impact locations. Table 2: Individual Direct Impact Information											
Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
1 <i>Unnamed Tributary</i>	34°35'45.0 1"N	114°34'51. 75"W	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Temporary				0.11		430
					Permanent				.08		299
					Temporary						
					Permanent						

Compensatory Mitigation Information

The following table shows individual compensatory mitigation information and locations

¹ California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

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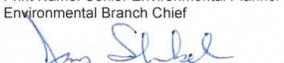
FINDINGS FOR CEQA EXEMPT PROJECTS

Caltrans adopted a Categorical Exemption, Class 1(c) – Existing highway and streets, sidewalks, gutters, bicycle and pedestrian trail, and similar facilities (PRC 21084; 14 CCR 15300 et seq) for the project on April 6, 2017.

The Colorado River Basin Water Board has review the 401 Water Quality Certification application materials submitted, and has independently determined that the Project is categorically exempt from review under CEQA pursuant to section 21084 of the Public Resources Code and California Code of Regulations, title 14, section 15301 because it constitutes a repair to publically owned service facilities necessary to maintain service essential to public health, safety, or welfare.

In accordance with CEQA Guidelines section 15062, the Colorado River Basin Water Board will file a Notice of Exemption with the Office of Planning and Research upon approval of the CWA section 401 WQC.

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

08-SBd-95	40.0 / 40.4	08-1E5810 / 0816000072	—NA—
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E.A/Project No.	Federal-Aid Project No. (Local Project)/Project No.
PROJECT DESCRIPTION: (Briefly describe project including need, purpose, location, limits, right-of-way requirements, and activities involved in this box. Use Continuation Sheet, if necessary.)			
<p>The scope of the project is to construct an 8-foot standard shoulder on both directions of a portion of State Route 95 (SR-95), to install a 12-inch wide centerline rumble strip (AC, ground-in), and a 12-inch wide rumble strip on both shoulders, from post mile (PM) 40.0 to PM 40.4 (2.7 miles to 3.1 miles north of Havasu Lake Road), in an unincorporated part of San Bernardino County. Additionally, a curve warning sign with corresponding advisory speed signs, will be installed in each direction. Also, the existing 24 foot-wide mainline will be cold planed 0.2 feet and receive an overlay of 0.2 feet with Rubberized Hot Mix Asphalt. This segment of SR-95 is within an area under the jurisdiction of the Bureau of Land Management. Right of way requirements will be satisfied prior to construction.</p> <p style="text-align:center;"><i>(Additional information on attached continuation sheets)</i></p>			
CEQA COMPLIANCE (for State Projects only)			
Based on an examination of this proposal and supporting information, the following statements are true and exceptions do not apply (See 14 CCR 15300 et seq.):			
<ul style="list-style-type: none"> • If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law. • There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time. • There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances. • This project does not damage a scenic resource within an officially designated state scenic highway. • This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List"). • This project does not cause a substantial adverse change in the significance of a historical resource. 			
CALTRANS CEQA DETERMINATION (Check one)			
<input type="checkbox"/> Not Applicable – Caltrans is not the CEQA Lead Agency		<input type="checkbox"/> Not Applicable – Caltrans has prepared an Initial Study or Environmental Impact Report under CEQA	
<input type="checkbox"/> Exempt by Statute. (PRC 21080[b]; 14 CCR 15260 et seq.)			
Based on an examination of this proposal, supporting information, and the above statements, the project is:			
<input checked="" type="checkbox"/> Categorically Exempt. Class 1c. (PRC 21084; 14 CCR 15300 et seq.)			
<input type="checkbox"/> Categorically Exempt. General Rule exemption. [This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (CCR 15061[b][3].)]			
JAMES SHANKEL		NADER NAGUIB	
Print Name: Senior Environmental Planner or Environmental Branch Chief		Print Name: Project Manager	
	4-6-2017		4/6/17
Signature	Date	Signature	Date
NEPA COMPLIANCE			
In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:			
<ul style="list-style-type: none"> • does not individually or cumulatively have a significant impact on the environment as defined by NEPA, and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and • has considered unusual circumstances pursuant to 23 CFR 771.117(b). 			
CALTRANS NEPA DETERMINATION (Check one)			
<input checked="" type="checkbox"/> 23 USC 326: The State has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an EA or EIS under the National Environmental Policy Act. The State has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding dated May 31, 2016, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:			
<input type="checkbox"/> 23 CFR 771.117(c): activity (c)(____)			
<input checked="" type="checkbox"/> 23 CFR 771.117(d): activity (d)(13_)			
<input type="checkbox"/> Activity ___ listed in Appendix A of the MOU between FHWA and the State			
<input type="checkbox"/> 23 USC 327: Based on an examination of this proposal and supporting information, the State has determined that the project is a Categorical Exclusion under 23 USC 327.			
JAMES SHANKEL		NADER NAGUIB	
Print Name: Senior Environmental Planner or Environmental Branch Chief		Print Name: Project Manager/DLA Engineer	
	4-6-2017		4/6/17
Signature	Date	Signature	Date
Date of Categorical Exclusion Checklist completion: 04/06/17		Date of ECR or equivalent : 04/06/17	

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., CE checklist, additional studies and design conditions).

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

Continuation Sheet

08-SBd-95	40.0 / 40.4	08-1E5810 / 0816000072	—NA—
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E.A/Project No.	Federal-Aid Project No. (Local Project)/Project No.

Continued from page 1:

This project is a State Highway Operation and Protection Program (SHOPP) project, under the 201.010 Safety Improvements Program for delivery in the 2017 fiscal year. The cost estimate for construction and right of way, as of PA&ED, is approximately \$961,000. This project is included as a part of a SHOPP lump sum entry in SCAG's current 2017 FTIP. "SBDLS01 Exempt Grouped Projects for Safety Improvements - SHOPP Collision Reduction Program - 2017 FTIP Amendment Modification #17-2" is the related SHOPP information.

The following technical documentation was prepared in conjunction with determining and addressing applicable National Environmental Policy Act (NEPA) and applicable California Environmental Quality Act (CEQA) documentation and compliance requirements.

- Historic Property Survey Report – October 18, 2016
- Initial Site Assessment (ISA) Checklist – September 27, 2016
- Natural Environment Study (Minimal Impacts) (NESMI) – December 9, 2016

CULTURAL RESOURCES

A Historic Property Survey Report was prepared and approved on October 18, 2016. In conjunction with required coordination with the State Historic Preservation Office (SHPO), a Finding of No Adverse Effect was the finding for this project, documented via a letter transmitted to SHPO by the State of California Department of Transportation Cultural Studies Office on December 15, 2016.

ENVIRONMENTAL ENGINEERING

An Initial Site Assessment (ISA) Checklist was prepared and approved District Environmental Engineering on September 27, 2016. According to the checklist, the project's potential for hazardous waste involvement is "LOW RISK." Implementation of the avoidance and minimization measures identified in the Environmental Commitments Record (ECR), attached separately, will minimize impacts to species and their habitat.

Also in conjunction with coordination with District Environmental Engineering it was confirmed via issuance of a memorandum dated September 20, 2016 that this project is exempt from all air emissions analysis. The same memorandum also confirmed that the project is considered to be a Type III project per Traffic Noise Analysis Protocol and as a result is exempt from traffic noise analysis. In accordance with the memorandum issued by District Environmental Engineering in this regard, no Air Quality Report or Noise Study Report were prepared for this project.

BIOLOGICAL RESOURCES

In coordination with District Biology, a Natural Environment Study (Minimal Impacts) (NESMI) was approved on December 9, 2016. Implementation of the avoidance and minimization measures identified in the Environmental Commitments Record (ECR), attached separately, will minimize impacts to species and their habitat.

The project will require a 1602 permit from the California Department of Fish and Wildlife and a 401 permit from the Colorado Regional Water Quality Control Board. The respective permits will be applied for / acquired prior to the project proceeding to construction.

PALEONTOLOGICAL RESOURCES

In coordination with District Paleontology, it was confirmed on April 6, 2017, via an email transmittal, that due to the fact that the excavation involved with this project is less than 3 feet, no paleontological studies are required for this project.

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

Continuation Sheet

08-SBd-95	40.0 / 40.4	08-1E5810 / 0816000072	—NA—
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E A/Project No.	Federal-Aid Project No. (Local Project)/Project No.

Changes to the project’s scope of work, limits, construction strategy and/or staging and storage requirements, and/or the timeframe of construction (including any changes that might be necessitated as a result of utilities), as well as Final Design (PS&E) efforts not addressed during preliminary design (PA&ED), will require that the District’s Division of Environmental Planning be notified in a timely manner, to determine if performance of an Environmental Re-Evaluation will be required to confirm that the environmental documentation for CEQA compliance and NEPA compliance remains valid. Updates to the original Technical Studies, or preparation of new Technical Studies may be required and/or a new CE/CE Determination Form may need to be completed, and/or an Environmental Document may need to be prepared and approved to document the project’s compliance with all applicable CEQA and NEPA requirements.

If an Environmental ReEvaluation is determined to be necessary, it would need to be completed before the associated scope of work and/or changes(s) to the project limits being considered for the project, are implemented.

An Environmental Certification will be required at the end of the Plans, Specifications, and Estimates (PS&E) phase.

The District’s Division of Environmental Planning needs to be notified in a timely manner, if the project’s scope of work, project limits, construction strategy and/or staging and storage requirements, and/or the timeframe of construction, changes during the Construction Phase, to determine if an Environmental Re-Evaluation (including possible updates to the original Technical Studies, or preparation of new Technical Studies) is required, and/or a new CE/CE Determination Form may need to be completed, and/or an Environmental Document may need to be prepared and approved to document the project’s compliance with all applicable CEQA and NEPA requirements. If an Environmental ReEvaluation is determined to be necessary, and/or additional analysis is required, all such efforts would be required to be completed before the associated scope of work and/or changes(s) to the project limits being considered for the project, are implemented. Construction work consistent with the project scope included in the Environmental Certification issued for the project could continue, however, advance coordination with the Senior Environmental Planner assigned to this project would be necessary.

Completion of a *Certificate of Environmental Compliance At Construction Contract Acceptance* will be required following completion of construction of the project.

Attachment D
Signatory Requirements

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SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Colorado River Basin Water Quality Control Board (Colorado River Basin Water Board) must be signed and certified as follows:
 - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
 - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
 - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c) The written authorization is submitted to the State Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

