

**DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT 16
FOR THE REHABILITATION OR REPLACEMENT OF CULVERTS
IN MENDOCINO COUNTY**

PERMITTEE: Ms. Sharon Stacey, California Department of Transportation (Caltrans)

PERMIT NO.: 2009-00447N

ISSUING OFFICE: San Francisco District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate District or Division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below:

PROJECT DESCRIPTION:

This Regional General Permit (RGP) authorizes the rehabilitation and/or replacement of deteriorated culverts and installation of standard drainage inlet and outlet structures located in Mendocino County. Culvert sizes will range from 18" to 6' by 12' box culverts. Some drainage work will be completed at inlets and outlets, and minor vegetation removal may be performed to improve water flow. Minor grading may also be performed at various locations when deemed necessary to prevent water buildup at inlets and/or outlets. Either half-width construction or jacking construction methods will be utilized. Some specific designs may call for modifying the ends of the culvert with a headwall, a flared end section, an inlet structure, or a down drain. Rock slope protection, rock energy dissipaters, and rock weirs may also be commonly required. Temporary flow diversions on perennial streams would also be required. Authorization also includes off-pavement work pads for construction at inlets and outlets that cannot be reached with equipment from the road. Typically, work shall be completed in accordance with the plans and drawings titled, "*USACE File #2009-00447N, State Routes 128 and 253 Culvert Replacement, March 28, 2012, Figures 1 to 4.*"

Impacts to wetlands and waters of the U.S. associated with each culvert replacement will vary depending on specific site conditions associated with each culvert replacement. The maximum authorized discharge of fill material into wetlands and waters of the U.S. is 0.05 acre or 50 linear feet of permanent fill (i.e. placement of hardscape material beyond the existing culvert) for an individual culvert replacement. Over the 5-year authorization period, no more than 1.0 acre of permanent impact to wetlands and waters of the U.S. associated with culvert replacements will be authorized. Activities required for culvert replacement that would not constitute placement of fill or a permanent impact (e.g. dewatering, culvert replacement) will be limited to 300 linear feet of work within a water of the U.S., this includes the length of the culvert and additional upstream and downstream associated work.

PROJECT LOCATION: Mendocino County, California

PERMIT CONDITIONS:

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on June 15, 2017.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
6. You understand and agree that, if future operations by the United States require the removal, relocation or other alteration of the structure or work authorized herein, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

SPECIAL CONDITIONS:

1. Two annual reports are required. The first annual report (advanced notice) will contain a work plan for the coming year. This report shall be submitted prior to April 15 of each year. Along with other information this advanced notice will include work locations, any proposed off-pavement work pad locations and size, estimates of impact to jurisdictional wetlands and/or to other Waters of the U.S. (in mapped format), construction methods, and proposed work timeframes. Specific project drawings for each culvert replacement including any required rock slope protection, any culvert modifications, or grading plans shall be provided. Additionally, a Wetland Delineation Report prepared in accordance with the Corps of Engineers' 1987 Wetland Delineation Manual and the appropriate Regional Supplement for the project study area for proposed culvert repair locations shall be provided. The proposed compensatory mitigation plan for impacts associated with the upcoming year shall be provided with the advanced notice completed in accordance with "*Compensatory Mitigation for Losses of Aquatic Resources; Final Rule*," 33 C.F.R. pt. 332, published on April 10, 2008.

Included with the advanced notice, Caltrans shall demonstrate compliance with Section 7 of the Endangered Species Act (ESA) of 1973 as amended, 16 U.S.C. §§ 1531-1544, and Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation, Management Act (EFH), 16 U.S.C. § 1855(b)(4)(B), and Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, 16 U.S.C. §§ 470-470. Caltrans shall provide all relevant documentation summarizing any previous consultation efforts, as it pertains to the Corps Regulatory permit area (for Section 7 and EFH compliance) and the Corps Regulatory area of potential effect (for Section 106 compliance). Additionally, copy of the Regional Water Quality Control Board (RWQCB) 401 Certification and the California Coastal Commission (CCC) Consistency Determination for the proposed culvert replacements shall also be provided, if available.

The second annual report would summarize work completed in the previous year and will provide a running summary of mitigation efforts, including post-construction monitoring outlined in special condition 13. The second annual report shall be submitted prior to December 1 of each year.

2. After review of the Advanced Notice the Corps will provide specific written authorization of rehabilitation and/or replacement of deteriorated culverts. Within this written authorization the Corps will also approve the proposed compensatory mitigation plan. Approval of the Advanced Notice shall be contingent on appropriately proposed compensation for anticipated impacts, demonstration of successful implementation and reporting in accordance with any previously approved mitigation plan, and compliance with all federal and state regulatory requirements (ESA, EFH, NHPA, RWQCB, and CCC).
3. Compensatory mitigation for unavoidable impacts to wetlands and Waters of the U.S. shall occur through creation, restoration, riparian planting, or enhancement of the appropriate tributaries and/or wetlands within the

watershed where impacts are proposed to occur. Compensatory mitigation may also be provided through the purchase of credits at a Corps approved mitigation bank. Your responsibility to complete the required compensatory mitigation upon approval of Advanced Notice and associated compensatory mitigation plans will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from the U.S. Army Corps of Engineers.

4. You shall not begin work on any individual culvert replacement until specific written authorization is provided by USACE upon review of the advanced notice.
5. No activity is authorized under this RGP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any RGP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed. The Corps will review the documentation provided demonstrating compliance with the Section 7 consultation and determine whether it is sufficient to address ESA compliance for the RGP activity, or whether additional ESA consultation is necessary. Authorization of an activity by this RGP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., a Biological Opinion with "incidental take" provisions, etc.) from the United States Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS). Upon approval of the advanced notice Caltrans shall comply with the mandatory terms and conditions associated with incidental take. Failure to comply with the terms and conditions for incidental take, where a 'take' of a federally-listed species occurs, would constitute an unauthorized take and non-compliance with the RGP authorization. The USFWS and or NMFS are, however, the authoritative federal agency for determining compliance with the incidental take statement and for initiating appropriate enforcement actions or penalties under the ESA.
6. If the USFWS and/or NMFS concurred with the determination that the project was not likely to adversely affect listed species and designated critical premised on project work restrictions then these work restrictions shall be implemented to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
7. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or Study River (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
8. Work will be conducted during the dry season (June 15 to October 15) to minimize potential impacts to any wet or running watercourses, when feasible. If work is occurring in a perennial creek or outside of the dry season then the waterway shall be de-watered.
9. Off-pavement work pads shall also be located outside of USACE jurisdictional wetlands and waters of the U.S.
10. Prior to any culvert rehabilitation a Section 401 water quality certification from the North Coast, Regional Water Quality Control Board shall be provided specifically authorizing the proposed culvert replacement.
11. Prior to any work on a culvert located within the jurisdiction of the California Coastal Commission, concurrence that the work will comply with California's Coastal Zone Management Act must be provided.
12. No fill shall be placed below the ordinary high water mark of the Navarro River, Rancheria Creek, Big River, Eel River, Gualala River including South Fork Gualala River, Mattole River, Russian River to ensure these rivers on the Nationwide Rivers Inventory are not adversely affected by project implementation.
13. The area immediately upstream and downstream of each culvert replacement shall be monitored post-construction at years 1, 3, and 5 to qualitatively assess channel conditions surrounding the work area.

Photographs and a brief summary of conditions shall be provided with the annual summary of completed work. Any finding of channel instability (e.g. migrating headcuts, RSP failure, or bank erosion) shall be documented and remediation measures shall be proposed and submitted to USACE for review. After receiving approval from USACE, the proposed measures shall be implemented.

14. Application of compost blankets for erosion control will be implemented concurrently with project construction. All other revegetation activities will begin the fall after completion of culvert construction. If areas do not revegetate by the first year of post-construction monitoring (described in special condition 11 above), the Corps may require further monitoring, re-vegetation, and/or off-site mitigation.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).
 - (x) Section 404 of the Clean Water Act (33 U.S.C. Section 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. Section 1413).
2. Limits of this authorization:
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false,

incomplete, or inaccurate. (See Item 4 above.)

- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 C.F.R. Section 325.7 or enforcement procedures such as those contained in 33 C.F.R. Sections 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 C.F.R. Section 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

original signed by Sebastian Cohen	10/31/2012
(PERMITTEE)	(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

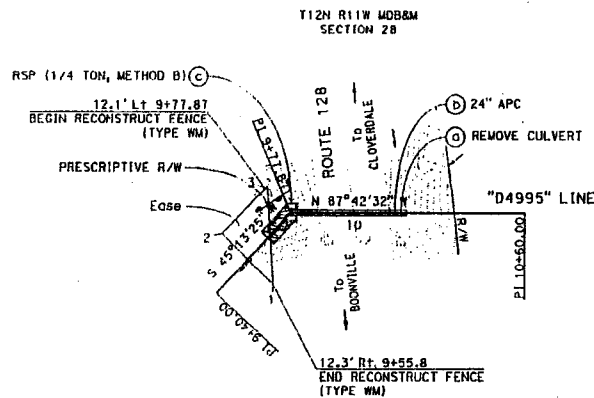
original signed by Jane Hicks, Chief SPN Regulatory Division	11/5/2012
John Baker, P.E. Lieutenant Colonel, U.S. Army Commander and District Engineer	(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

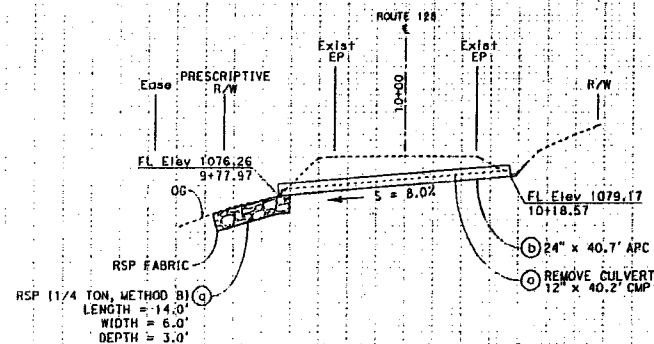
(TRANSFEREE)	(DATE)

FOR COMPLETION OF THIS DRAWING, SEE RIGHT OF WAY
 PLANS AND ELEVATIONS FOR THE
 PLANS AND ELEVATIONS FOR THE
 PLANS AND ELEVATIONS FOR THE
 PLANS AND ELEVATIONS FOR THE

POINT	STATION	OFFSET
1	9+55.81	12.33' RT
2	9+56.48	12.68' LT
3	9+77.87	12.11' LT



DRAINAGE SYSTEM 6
 ROUTE 128
 PM 49.95
 PLAN SCALE: 1" = 20'



PROFILE SCALE: Horiz: 1" = 10'
 Vert: 1" = 10'

**DRAINAGE PLAN
 AND PROFILE**
 SCALE AS SHOWN
TYPICAL CULVERT REPLACEMENT

9+40 9+60 9+80 10+00 10+20 10+40 10+60

USACE File #2009-00447N
 State Routes 128 and 253
 Culvert Replacement

RELATIVE BORDER SCALE
 15 IN INCHES



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

USACE File #2009-00447N
 State Routes 128 and 253
 Culvert Replacement
 March 28, 2012
 Figure 1 of 4

Dist	COUNTY	ROUTE	POST MILES	SHEET TOTAL
01	Men	128,253	Var	No. SHEETS

REGISTERED CIVIL ENGINEER DATE

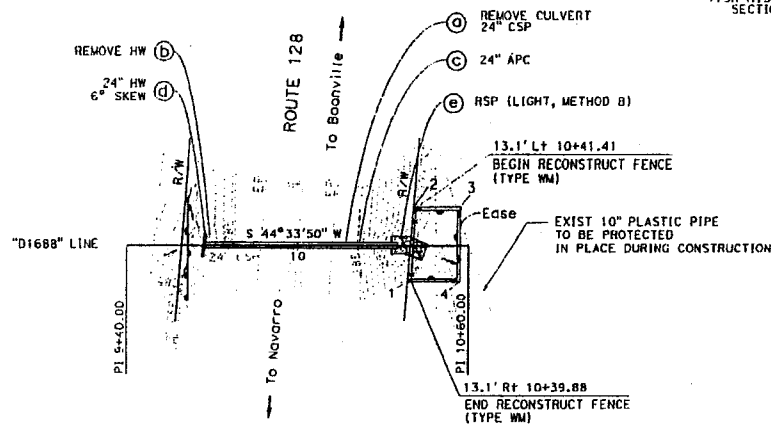
PLANS APPROVAL DATE

THE STATE OF CALIFORNIA AND ITS OFFICERS
 OR AGENTS SHALL NOT BE RESPONSIBLE FOR
 THE ACCURACY OR COMPLETENESS OF DRAWING
 COPIES OF THIS DRAWING.

NOTE:

1. ALL MEASUREMENTS OF DISTANCE, ELEVATION, OR HEIGHT OF WAY
 2. ARE TO BE MADE TO THE CENTERLINE OF THE
 3. ROAD, UNLESS OTHERWISE SPECIFIED. ALL MEASUREMENTS
 4. SHALL BE MADE TO THE CENTERLINE OF THE ROAD, UNLESS
 5. OTHERWISE SPECIFIED. ALL MEASUREMENTS SHALL BE MADE
 6. TO THE CENTERLINE OF THE ROAD, UNLESS OTHERWISE
 7. SPECIFIED. ALL MEASUREMENTS SHALL BE MADE TO THE
 8. CENTERLINE OF THE ROAD, UNLESS OTHERWISE SPECIFIED.

T15N R15W M08&M
 SECTION 33



DATE	COUNTY	ROUTE	PROJECT	SHEET	TOTAL
01	Men	128	Var		

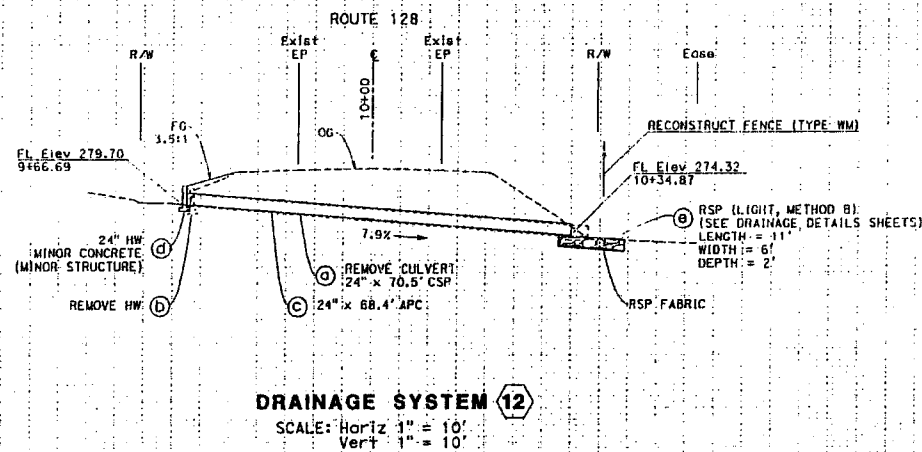
REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

THE STATE OF CALIFORNIA AND ITS OFFICIALS
 AND AGENTS SHALL NOT BE RESPONSIBLE FOR
 THE ACCURACY OF THE PLANS OR THE
 RESULTS OF THIS PLAN SHEET.

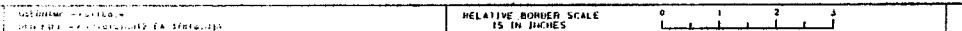
POINT	STATION	OFFSET
1	10+38.48	13.12' Rt
2	10+40.54	13.13' Lt
3	10+56.84	13.13' Lt
4	10+56.94	13.12' Rt

DRAINAGE SYSTEM 12
 ROUTE 128
 PM 16.88
 SCALE: 1" = 20'



DRAINAGE SYSTEM 12
 SCALE: Horiz 1" = 10'
 Vert 1" = 10'

DRAINAGE PLAN AND PROFILES
 SCALE: AS SHOWN
TYPICAL CULVERT REPLACEMENT



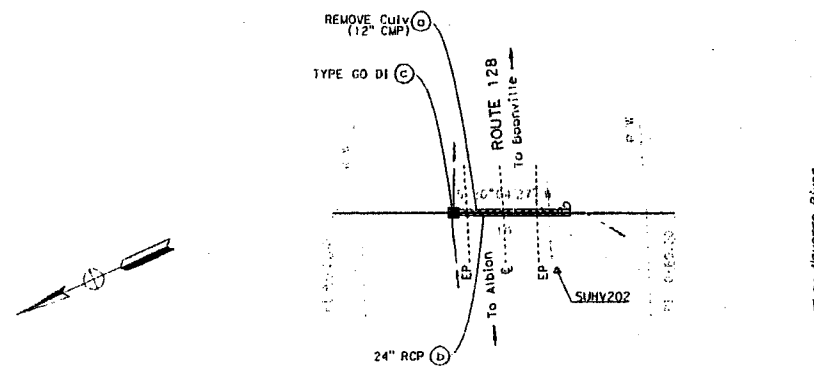
U.S. Army Corps
 of Engineers
 San Francisco District
 Regulatory Division

USACE File #2009-00447N
 State Routes 128 and 253
 Culvert Replacement
 March 28, 2012
 Figure 2 of 4

Dist	COUNTY	ROUTE	POST MILES	SHEET	TOTAL SHEETS
01	Mon	128	Vol		

REGISTERED CIVIL ENGINEER	DATE
PLANE APPROVAL DATE	

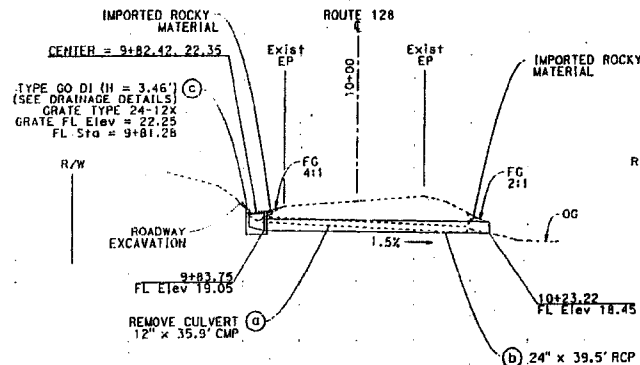
THE STATE OF CALIFORNIA AND ITS OFFICERS OF AGENCIES SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF DRAWN COPIES OF THIS PLAN SHEET.



DRAINAGE SYSTEM No. 5
 ROUTE 128
 PM 00.59

PLAN

SCALE: 1" = 20'

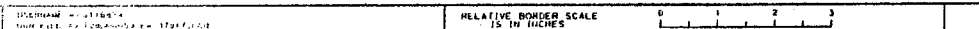


PROFILE

SCALE: 1" = 10'

DRAINAGE PLAN AND PROFILE
 SCALE AS SHOWN

TYPICAL CULVERT REPLACEMENT

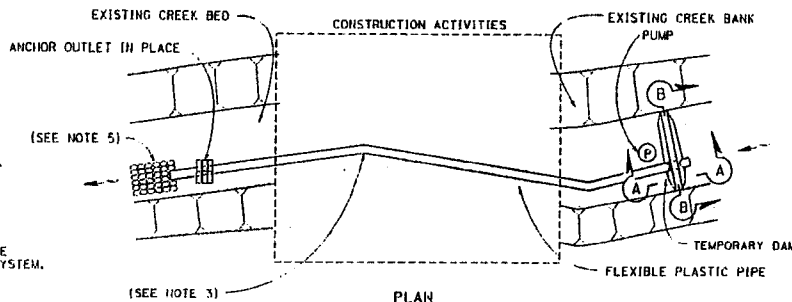


U.S. Army Corps
 of Engineers
 San Francisco District
 Regulatory Division

USACE File #2009-00447N
 State Routes 128 and 253
 Culvert Replacement
 March 28, 2012
 Figure 3 of 4

NOTES:

1. THE LOCATION OF THE PLASTIC PIPE TO BE DETERMINED BY THE FIELD SURVEY ENGINEER.
2. GRAVEL FILLED BAGS SHOULD BE PLACED AT INTERMEDIATE JOINTS AS DETERMINED BY THE ENGINEER.
3. THE PERMEABLE PIPE WITH WATER TIGHT JOINTS AS NECESSARY TO PREVENT FLOODING.
4. TEMPORARY DAM CAN BE CONSTRUCTED AS TYPE 1 OR TYPE 2.
5. IF TEMPORARIES ARE LOCATED THAN 6 FEET, A HIGH ENERGY PROTECTIVE SHEET BE PLACED AT THE OUTFALL OF THE PLASTIC PIPE.
6. A TEMPORARY DIVERSION TEMPORARY PLASTIC PIPE TO EXISTING CREEK BED MUST BE APPROVED BY THE ENGINEER.
7. A TEMPORARY TEMPORARY CREEK DIVERSION SYSTEM IS INCLUDED IN THE PROJECT PLAN AND MUST BE APPROVED BY THE ENGINEER.
8. ADDITIONAL LOCATION, INCLUDING TEMPORARY CREEK DIVERSIONS ARE INCLUDED IN THE PLAN AND MUST BE APPROVED BY THE ENGINEER.



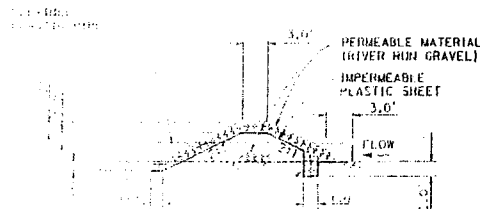
TEMPORARY CREEK DIVERSION SYSTEM

HYDROLOGIC SUMMARY

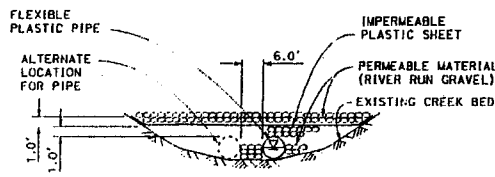
CONSTRUCTION WINDOW	PIPE DIA.
10/15/10 - 10/15/11	12" W

THE FLOW RATE WILL VARY DEPENDING ON WATER YEAR.

DRAINAGE SYSTEM No.	LOCATION
	PM
23	20.15
31	27.54
44	36.63
48	39.88



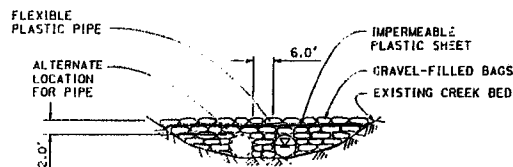
TEMPORARY DAM (TYPE 1)
SECTION A-A



TEMPORARY DAM (TYPE 1)
SECTION B-B



TEMPORARY DAM (TYPE 2)
SECTION A-A

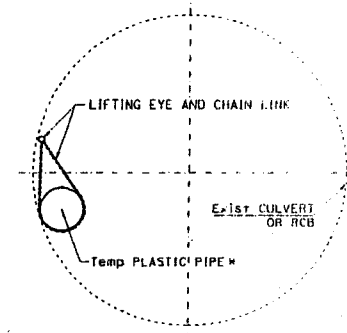


TEMPORARY DAM (TYPE 2)
SECTION B-B

THIS PLAN ACCURATE FOR TEMPORARY WATER POLLUTION CONTROL WORK ONLY.

RELATIVE BORDER SCALE IS IN INCHES	0	1	2	3
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Dist	COUNTY	ROUTE	POST MILES	SHEET TOTAL
01	Mar	128	Var	101 SHEETS
REGISTERED CIVIL ENGINEER DATE				
PLANS APPROVAL DATE				
THE STATE OF CALIFORNIA AND ITS OFFICIALS AND AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF DRAWINGS SUPPLIED BY THIS PLAN SHEET.				



TYPICAL SECTION

Temp PLASTIC PIPE
INSTALLED IN CSP/RCB

DRAINAGE SYSTEM No.	LOCATION
	PM
23	20.15
31	27.54
44	36.63
48	39.88

TEMPORARY WATER POLLUTION
CONTROL DETAILS
(TEMPORARY CREEK DIVERSION SYSTEM)

NO SCALE

TYPICAL STREAM DIVERSION



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

USACE File #2009-00447N
State Routes 128 and 253
Culvert Replacement
March 28, 2012
Figure 4 of 4