

CHANGE ORDER MEMORANDUM

Date
10/17/2017

TO: COUNTY OF LAKE			FILE: COUNTY CONTRACT NO. <u>17-04</u>	
FROM: PAUL CHANG, R.E., 123 ENGINEERING			COUNTY PROJECT NAME <u>Harbin Spring Road Bridge</u>	
			FEDERAL PROJECT NO. <u>BRLO-5914(106)</u>	
CCO NO. <u>1</u>	SUPPLEMENT NO.	CATEGORY CODE	CONTINGENCY BALANCE (Including this change): \$ <u>-126,865.60</u>	
CHANGE ORDER AMOUNT \$ <u>+\$181,512.00</u> <u>X</u> INCREASE <u> </u> DECREASE			COUNTY BOARD OF SUPERVISORS APPROVAL REQUIRED? YES <u>X</u> NO <u> </u>	
SUPPLEMENTAL FUNDS PROVIDED \$ <u>0</u>			IS THIS REQUEST IN ACCORDANCE WITH ENVIRONMENTAL DOCUMENTS YES <u>X</u> NO <u> </u>	
ORIGINAL CONTRACT TIME: <u>80</u> DAY(S)	TIME ADJUSTMENT THIS CHANGE: <u>0</u>	PREVIOUSLY APPROVED TIME ADJUSTMENTS: <u>0</u> DAY(S)	PERCENTAGE TIME ADJUSTED (Including this change) <u>0</u> %	TOTAL # OF UNRECONCILED DEFERRED TIME (Including this change) <u>0</u>

This Change Order provides for: Accelerate project to finish within this construction season and comply with additional environmental requirements due to presence of foothill yellow legged frogs.

COMPREHENSIVE DESCRIPTION, JUSTIFICATION, AND COST SUMMARY.

During the initial pre-construction biological site survey it was determined that there were foothill yellow legged frogs (FYLF) within the project site. On June 21, 2017 the FYLF was designated as a candidate species for listing as threatened under the California Endangered Species Act and subject to the same legal protections as endangered or threatened species. Based on the presence of FYLF, an Incidental Take Permit (ITP) must be obtained from California Department of Fish and Wildlife. The authorization to begin construction under a draft ITP took 5 weeks to obtain and delayed the project.

Adjustment in Compensation at Agreed Lump Sum:

The Contractor agrees to accept the lump sum of \$121,000 as full compensation, including all markups, for accelerating the planned work for construction of the new bridge and completing all work within channel by October 28, 2017, with allowance for three inclement weather days. \$5,000.00 per calendar day will be deducted from this changed order for every day after October 28th, 2017 the work is not completed.

Adjustment of compensation.....\$ 121,000.00 Increase

Extra Work at Force Account:

Prepare an ITP application, prepare and implement a frog relocation plan, perform daily ITP compliance monitoring, and install/remove frog exclusion fence.

Estimated extra work.....\$ 60,512.00 increase

No time adjustment. Project time was not charged while obtaining an ITP.

CONCURRED BY:		ESTIMATE OF COST		
DESIGN ENGINEER	DATE:	THIS REQUEST		TOTAL TO DATE
Quincy Engineering	N/A	ITEMS		
		FORCE ACCOUNT	\$0.00	\$0.00
RESIDENT ENGINEER	DATE:	AGREED PRICE	\$60,512.00	\$60,512.00
Paul Chang, 123 Engineering	10/17/2017	ADJUSTMENT	\$121,000.00	\$121,000.00
			\$0.00	\$0.00
PROJECT MANAGER	DATE:	TOTAL	\$181,512.00	\$181,512.00
Fred Pezeshk	10/18/17	FEDERAL PARTICIPATION		
OTHER	DATE:	<u>X</u> PARTICIPATING <u> </u> PARTICIPATING IN PART <u> </u> NONE		
		<u> </u> NON-PARTICIPATING (Maintenance) <u> </u> NON-PARTICIPATING		

COUNTY OF LAKE
Department of Public Works
255 North Forbes Street
Lakeport, CA 95453

CHANGE ORDER NO: 1

DATE: October 17, 2017

PROJECT: Harbin Springs Road at Harbin Creek Bridge Replacement Project
Federal Project No. BRLO-5914(106)

CONTRACTOR: BRIDGEWAY CIVIL CONSTRUCTORS, INC.
4950 Allison Parkway, Suite A
Vacaville, CA 95688-9346

Note: These changes in no way relieve the Contractor of completing work in accordance with standards established by the Standard Specifications and Special Provisions.

ITEM NO.	DESCRIPTION	TIME EXTENSION	VALUE
1	The Contractor agrees to accept the lump sum of \$121,000 as full compensation, including all markups, for accelerating the planned work for construction of the new bridge and completing all work within channel by October 28, 2017, with allowance for three inclement weather days. \$5,000.00 per calendar day will be deducted from this change order for every day after October 28th, 2017 the work is not completed.	0	\$121,000.00
2	Incorporate the following documents to the project: Attachment A: Draft Incidental Take Permit (ITP) Attachment B: Foothill Yellow-Legged Frog (FYLF) Relocation Plan Attachment C: Streambed Alteration Agreement Prepare an ITP application and a frog relocation plan, perform daily ITP compliance monitoring, and install/remove frog exclusion fences per the attached scope and rate (Attachment D). All work at extra work force account.	0	\$60,512.00
		0	\$181,512.00

REQUESTED BY: Owner/Contractor

REASONS: 1. To accelerate the project to finish within this construction season. The project was delayed for 5 weeks to obtain an ITP.
2. FYLF were found during a preconstruction survey. The FYLF was designated as a candidate species for listing as threatened and subject to the same legal protections as listed endangered or threatened species. Based on the presence of FYLF, an ITP must be obtained from California Department of Fish and Wildlife.

ORIGINAL CONTRACT WORKING DAYS:	80	Days
TIME EXTENSION ON PREVIOUS CHANGE ORDER(S):	0	Days
TIME EXTENSION FOR THIS CHANGE ORDER:	0	Days
REVISED CONTRACT WORKING DAYS:	80	Days

ORIGINAL CONTRACT AMOUNT:	\$1,092,803.60
AMOUNT PREVIOUS CHANGE ORDERS: (Additions)	0.00
AMOUNT PREVIOUS CHANGE ORDERS and ADMINISTRATIVE DEDUCTION: (Deletion)	\$0.00
AMOUNT THIS CHANGE ORDER:	\$181,512.00
REVISED CONTRACT AMOUNT:	\$1,274,315.60

ACCEPTED: CONTRACTOR

By:

Gabe Farnsworth

Gabe Farnsworth, President
Name and Title

10.17.17
Date

RECOMMENDED:

By:

Department of Public Works

Scott De Leon, Director
Name and Title

Date

APPROVED: OWNER

By:

Board of Supervisors

Jeff Smith, Chair
Name and Title

Date

Draft Incidental Take Permit Measures

General Provisions:

- Designated Representative. Before starting Covered Activities, the County of Lake shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with these measures. The County of Lake shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time.
- Designated Biologist. The County of Lake shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) before starting Covered Activities. The County of Lake shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. The County of Lake shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.
- Designated Biologist Authority. To ensure compliance with these measures, the Designated Biologist shall have authority to immediately stop any activity that does not comply with these measures, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.
- Education Program. The County of Lake shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures. The County of Lake shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. The County of Lake shall provide a fact sheet handout containing this information at the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.
- Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of these measures and a list of signatures of all personnel who have successfully completed the education program. The County of Lake shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- Erosion Control Materials. The County of Lake shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.

- Delineation of Property Boundaries. Before starting Covered Activities, the County of Lake shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. The County of Lake shall restrict all Covered Activities to within the fenced, staked, or flagged areas. The County of Lake shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- Delineation of Habitat. The County of Lake shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the application, and shall not cross Covered Species' habitat outside of or en route to the Project Area. The County of Lake shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If the County of Lake determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity.
- Staging Areas. The County of Lake shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, the County of Lake shall not use or cross Covered Species' habitat outside of the marked Project Area.
- Hazardous Waste. The County of Lake shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. The County of Lake shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- CDFW Access. The County of Lake shall provide CDFW staff with reasonable access to the Project and mitigation lands under the County of Lake's control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth.
- Refuse Removal. Upon completion of Covered Activities, the County of Lake shall remove from the Project Area and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

Monitoring, Notification, and Reporting Provisions:

- Notification Before Commencement. The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the County of Lake is not in compliance with any of these measures, including but not limited to any actual or anticipated failure to implement measures. The Designated Representative shall report any non-compliance with these measures to CDFW within 24 hours.

- Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities. The County of Lake shall submit to CDFW for approval a Covered Species Survey and Relocation Plan that shall detail the specific methods, techniques, and relocation areas before the start of work.
- Quarterly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records into a Quarterly Compliance Report and submit it to CDFW along with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be via e-mail to R2CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify the County of Lake in writing of the new reporting schedule.
- Annual Status Report. The County of Lake shall provide CDFW with an Annual Status Report (ASR) no later than January 31, 2018 and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to temporary disturbance, both for the prior calendar year, and a total; and (7) information about other Project impacts on the Covered Species.
- CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- Final Mitigation Report. No later than 60 days after completion of all mitigation measures, the County of Lake shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of these measures in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- Notification of Take or Injury. The County of Lake shall immediately notify the Designated

Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (916) 358-2900. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the project name. Following initial notification, the County of Lake shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

Take Minimization Measures:

The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. The County of Lake shall implement and adhere to the following conditions to minimize take of Covered Species:

- Work Period. Work within the stream/riparian habitat of Harbin Creek shall be confined to the period July 15th to November 15th, in the year(s) of 2017 to 2022.
- Designated Biologist. The Designated Biologist will conduct daily surveys for the foot yellow-legged frog (FYLF) within and adjacent to the Project Area where construction is taking place. If the biologist encounters any FYLF adults or tadpoles, the biologist shall capture and move them out of harm's way.
- Exclusion Fencing. Prior to the start of construction activities, exclusion fencing will be installed around the project perimeter. Silt fence will be used as exclusion fencing in upland areas and "block nets" in the active stream channel. The upstream and upland fencing will be installed first, followed by fish relocation conducted by CDFW-approved biologist, and finally the downstream exclusion fencing will be installed.
- Sediment Control. Precautions to minimize turbidity/siltation shall be taken into account during project planning and implementation. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches. Products with plastic monofilament or cross joints in the netting that are bound/stitched (such as found in straw wattles/fiber rolls and some erosion control blankets) which may cause entrapment of wildlife, shall not be allowed. Passage of sediment beyond the sediment barrier(s) is prohibited. If any sediment barrier fails to retain sediment, corrective measures shall be taken. The sediment barrier(s) shall be maintained in good operating condition throughout the construction period and the following rainy season. Maintenance includes, but is not limited to, removal of accumulated silt and/or replacement of damaged silt fencing, coir logs, coir rolls, and/or straw bale dikes. Upon CDFW's determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective CDFW approved control devices are installed or abatement procedures are initiated.
- Vegetation Removal. Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided FYLF habitat within or adjacent to the project area as Environmentally Sensitive Areas (ESA). This area will be avoided by all construction personnel.

- Stream Diversions/Dewatering. If work in the flowing portion of the stream is unavoidable, the entire stream flow shall be diverted around or through the work area during the excavation and/or construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses. When a temporary dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream to maintain aquatic life below the dam pursuant to FGC section 5937. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream diversions shall be removed prior to the winter period.
- Heavy Equipment. No heavy equipment shall operate, or any excavation take place, in the portion of the stream where flowing water is present. Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat. If maintenance or refueling of vehicles or equipment must occur on-site, use a designated area and/or a secondary containment, located away from drainage courses to prevent the runoff of storm water and the runoff of spills. Place drip pans or absorbent materials under vehicles and equipment when not in use. Equipment shall be stored in areas that any possible contamination from the equipment would not flow or be washed back into the channel.
- Invasive Species. The County of Lake shall conduct project activities in a manner that prevents the introduction, transfer, and spread of aquatic, riparian, and terrestrial invasive species from one work site and/or water body to another. Prevention BMPs and guidelines for invasive plants can be found on the California Invasive Plant Council's website at: <http://www.cal-ipc.org/ip/prevention/index.php> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <http://www.protectyourwaters.net/>. The County of Lake shall notify CDFW immediately if an invasive species not previously known to occur within the work site is discovered during work activities by contacting CDFW's Invasive Species Program by email at Invasives@wildlife.ca.gov.
- Decontamination. Prior to entering the stream, all gear and equipment will be decontaminated in a designated location where runoff can be contained and not allowed to pass into water courses and other sensitive habitat areas.

Habitat Restoration and Enhancement:

A minimum off-site enhancement of 0.47 acres of riparian FYLF habitat shall be required.. CDFW may require the County of Lake to provide additional mitigation to ensure the impacts of the taking are minimized and fully mitigated. Monitoring and maintenance of the enhancement site shall be conducted for a minimum of five years.

Foothill Yellow-Legged Frog Relocation Plan

For the

Harbin Creek Bridge Replacement Project in Lake County

September 2017



Prepared for:

Bridgeway Civil Constructors, Inc.

4950 Allison Parkway, Suite A

Vacaville, CA 95688

Prepared by:

Gallaway Enterprises

117 Meyers Street, Suite 120

Chico CA 95928

(530) 332-9909

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Project Overview

Purpose

The Lake County Department of Public Works, in cooperation with the California Department of Transportation and Federal Highway Administration, is proposing the rehabilitation of the existing timber structure (Bridge No. 14C-0111) over Harbin Creek in Lake County (Project). There are known occurrences of foothill yellow-legged frog (FYLF, *Rana boylei*) in Harbin Creek within the Project site. Foothill yellow-legged frog is a California Species of Special Concern (SSC) and a candidate species for listing as threatened under the California Endangered Species Act (CESA). Project activities will begin with the installation of a stream diversion within the Project site, therefore FYLF must be relocated from the area prior to the initiation of Project activities in order to avoid take of individuals. This FYLF Relocation Plan (Plan) is prepared in compliance with the California Department of Fish and Wildlife (CDFW) draft Incidental Take Permit. This Plan identifies and outlines the methods and relocation sites for relocating FYLF out of the Project site.

FYLF Relocation Activities

Prior to the start of Project activities, FYLF in the immediate Project site will be captured by dip net and then transported and released to one of two (2) upstream relocation sites with suitable habitat conditions.

FYLF Relocation Methods

At all times all reasonable and prudent efforts will be taken to avoid death and to minimize stress or injury to relocated FYLF.

1. Decontamination

Prior to entering the stream or initiating any frog removal, all gear and equipment will be sterilized in a 75 ppm solution of Wescodyne® for 10 minutes and rinsed.

2. Timeline of Removal

If necessary, and with agency approval, all large rocks, logs, debris, and other obstructions will be removed from the areas to be dewatered to reduce places of FYLF refuge. Any woody debris with diameter greater than 12 inches that are removed during dewatering activities will be placed back into the creek following construction activities.

Three (3) of Gallaway Enterprises' (GE) biologists will sweep through the Project site with hand-held dip nets and relocate FYLF individuals before and after the Contractor installs exclusion fencing around the Project site. The next day, GE biologists will again sweep through the area to relocate any FYLF individuals that may be present within the Project footprint before the stream diversion installation begins. Each day, Gallaway Enterprises' biologists will perform a minimum of three (3) sweeps. The

sweeps will begin in the early morning and will be spaced out until noon to locate the FYLFs in various locations as the day warms up. In between sweeps, all personnel will stay a minimum of 50 feet away from the stream to allow FYLFs that may have sought cover in the stream on previous sweeps to re-emerge and move towards the banks thus allowing for easier detection on the next sweep. The stream diversion will be installed gradually, and GE biologists will be onsite to monitor for FYLF individuals during the installation process and perform relocation as necessary. Following the installation of the stream diversion, one (1) GE biologist will be onsite daily to monitor for and relocate FYLF.

3. Capture and Relocation

a. *Equipment*

For excluding, capturing, holding, transporting, and relocation of frogs, the following equipment will be required:

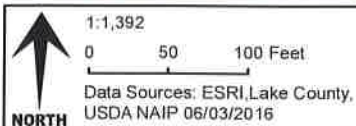
- Two (2) sterilized 5 gallon buckets to transport FYLF from Project site to relocation sites.
- Miscellaneous hand-held dip nets.
- Rubber gloves and neoprene chest waders.
- Two (2) aquatic thermometers.
- Bags of crushed ice to regulate temperature of holding buckets at stream temperature.

b. *Foothill Yellow-Legged Frog Relocation*

Following their capture, all frogs being held will be carefully placed into sterilized 5-gallon buckets filled about one-third (1/3) with water at ambient stream water temperatures and quickly transported to one of the two previously determined relocation sites upstream (**Figure 1**). Foothill yellow-legged frogs should be held in transportation buckets for less than 10 minutes to minimize handling stress. Methods will be readily available to adjust holding bucket temperatures to match in-stream temperature, such as bags of crushed ice. Holding and transport time will be minimized and the environmental conditions, such as temperature, will be continuously monitored to minimize stress to captured frogs. Foothill yellow-legged frogs will be carefully released from their transport container in a manner allowing them to safely acclimate to the new receiving water conditions. All efforts will be made to gently handle the frogs only in nets or with wet bare hands. Upon release, frogs will be observed for several minutes to confirm recovery from handling. This process will be repeated until all FYLF have been removed and relocated from the Project site area.

Relocation Site Habitat Elements

Relocation sites are located upstream from the Project location (**Figure 1**). These areas contain suitable habitat for FYLF, and GE biologists observed FYLF in these areas during the preconstruction survey conducted on August 4, 2017.



Harbin Creek Bridge Replacement Project
FYLF Relocation Sites
Figure 1

CCO #1
Attachment B
Page 5 of 8

gallaway
ENTERPRISES

GE: #17-096 Map Date: 09/06/17

Relocation Site #1

Relocation Site #1 is located approximately 140 feet upstream from the Project location and 10 feet downstream from a deep pool and small waterfall. This part of the creek is partially shaded by white alder trees and features riffle pools approximately 4 inches to 24 inches deep. Relocation of FYLFs to deep pools where they may be predated by fish will not occur.

Relocation Site #2

Relocation Site #2 is located approximately 35 feet upstream from Relocation Site #1, and consists of a partially shaded, shallow perennial stream with rocky substrate. Though this stream flows downstream to Relocation Site #1, it is topographically separated from Relocation Site #1 by large boulders and an approximately 4 foot vertical drop from the pool up to the shallower, rocky stream above.

Appendix A

Project Site Photos Taken August 4, 2017



Harbin Springs Road at the Harbin Creek Bridge, looking north.



Harbin Creek upstream from bridge to be replaced, looking west.



Harbin Creek and Harbin Creek Bridge, looking east.



Standing on Harbin Creek Bridge, looking south.



A foothill yellow-legged frog in Harbin Creek.



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



AUG 29 2017

Date

Fred Pezeshk
County of Lake
255 North Forbes Street
Lakeport, CA 95453
fred.pexeshk@lakecountyca.gov

Dear Mr. Pezeshk:

Final Lake or Streambed Alteration Agreement, Notification No. 1600-2017-0222-R2, Harbin Creek Bridge Replacement Project

Enclosed is the final Streambed Alteration Agreement (Agreement) for the Harbin Creek Bridge Replacement Project (Project). Before the California Department of Fish and Wildlife (CDFW) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, CDFW, acting as a responsible agency, filed a Notice of Determination (NOD) within five working days of signing the Agreement. The NOD was based on information contained in the Mitigation Negative Declaration prepared by the lead agency.

Under CEQA, the filing of an NOD triggers a 30-day statute of limitations period during which an interested party may challenge the filing agency's approval of the Project. You may begin the Project before the statute of limitations expires if you have obtained all necessary local, state, and federal permits or other authorizations. However, if you elect to do so, it will be at your own risk.

If you have any questions regarding this matter, please contact Tanya Sheya, Environmental Scientist at (916) 358-2953 or tanya.sheya@wildlife.ca.gov.

Sincerely,


Tina Bartlett
Regional Manager

ec: Tanya Sheya, Tanya.Sheya@wildlife.ca.gov
Department of Fish and Wildlife

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
NORTH CENTRAL REGION
1701 NIMBUS ROAD
RANCHO CORDOVA, CA 95670



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2017-0222-R2
HARBIN CREEK

COUNTY OF LAKE
HARBIN CREEK BRIDGE REPLACEMENT-VERSION 2

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and County of Lake (the Permittee) as represented by Fred Pezeshk.

RECITALS

WHEREAS, pursuant to Fish and Game Code section 1602, Permittee notified CDFW on July 6, 2017, that Permittee intends to complete the project described herein.

WHEREAS, pursuant to Fish and Game Code section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project is located on Harbin Creek, in the County of Lake, State of California; Latitude 38° 47' 18.39" N, Longitude 122° 39' 13.63"W; Township 11N, Range 7E, Section 20, of the Whispering Pines U.S. Geological Survey Quadrangle. See Exhibit A for Project Location Map.

PROJECT DESCRIPTION

The project is limited to the replacement of the fire-damaged bridge over Harbin Creek. The existing structure will be removed and replaced with an approximately 45-foot long by 29-foot wide single span precast, pre-stressed, concrete slab or cast-in-place reinforced concrete slab bridge (see Exhibit B for the General Design Plans). The new bridge will be supported by reinforced concrete abutments consisting of either spread footings, cast-in-drilled hole concrete piles, or micro piles.

The existing concrete abutments will be removed and the near vertical bank at the existing bridge will be excavated back to a 2:1 slope, conforming to the upstream and downstream portions of the stream. The slope in front of the abutments will be protected with ungrouted rock slope protection.

If a cast-in-place reinforced concrete slab is selected for the new superstructure, temporary falsework will need to be installed in the creek in order to support the new bridge deck. Once the deck is poured and attains adequate concrete strength, the temporary falsework will be removed from the creek. Grading for falsework pad in the creek could be up to one foot deep. If a pre-cast superstructure is selected, no false work would be required and soil disturbance in the creek would be minimal.

The existing temporary approaches will be removed and the existing approach roadway will be excavated approximately 2-feet deep by 200-feet long on each side of the bridge. The approach roadway will be reconstructed with new baserock and asphalt surfacing. The proposed roadway will be constructed at approximately the same height and width as the existing roadway.

Access the staging areas and a temporary detour will required use of a temporary crossing (Exhibits C and D show the location of the temporary crossing). The crossing will consist of a temporary bridge set on temporary concrete abutments. This will allow staging areas to occur on the existing roadways. Installation of the temporary crossing will require removal of approximately five Elderberry shrubs. Informal Section 7 consultation with the U.S. Fish and Wildlife Service has concurred that Elderberry Long-horned Beetle does not occur within the elevation of the project site. After construction of the new bridge is complete, the temporary crossing will be removed and the embankment slopes will be restored to pre-project conditions.

The project will also require the relocation of an existing underground sewer line, which runs through the eastern side of the existing bridge abutments, and the overhead utilities (see Exhibit C for the Utilities Plan).

It is anticipated that excavators, dozers, cranes, dump trucks, concrete trucks, and concrete pumps may be required to construct the new bridge.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: nesting birds, amphibians, and other aquatic and terrestrial plant and wildlife species.

The adverse effects the project could have on the fish or wildlife resources identified above include: loss of natural stream habitat, soil compaction or other disturbance to soil layer, temporary release of contaminants (i.e. incidental from construction), disruption to nesting birds, reptiles and other wildlife. The project will require the removal of 13 trees between 6 to 42-inches in diameter at breast height (DBH), which total approximately 350-square feet of tree canopy cover. See Exhibit D for the Tree Removal Plan.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.4 Project Site Entry. The Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Notification of Project Modification. The Permittee agrees to notify CDFW of any modifications made to the project plans submitted to CDFW.
- 1.6 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken.
- 1.7 Does Not Authorize "Take." This Agreement does not authorize "take" of any listed species. Take is defined as hunt, pursue, catch, capture or kill or attempt to hunt, pursue, catch, capture, or kill. If there is potential for take of any listed species to occur, shall consult with CDFW as outlined in FGC Section 2081 and shall obtain the required state and federal threatened and endangered species permits.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

- 2.1 Work Period. Work shall be timed during the driest time within the channel. If water is present at the time of construction, water shall be diverted around the work area and work shall begin after the site is dry. The time period for completing the work within the flowing or standing water of the watercourses shall be confined to the

period between July 15th and November 15th of the same calendar year during the term of this Agreement. Work within the dry portion of the stream shall be timed with awareness of precipitation forecasts and likely increases in stream level. Construction activities within the stream shall cease until all reasonable erosion control measures, have been implemented prior to all storm events. Construction equipment and material shall be removed from the floodplain if inundation is likely. Revegetation, restoration and erosion control work is not confined to this time period.

- 2.2 Work Period Modification. If the Permittee needs more time to complete the project activity, the work may be permitted outside of the work period and extended on a day-to-day basis (or for some other set period of time) by a CDFW representative who reviewed the project, or if unavailable, through contact with the Regional office (see Contact Information). The Permittee shall submit a written request for a work period variance to CDFW. The work period variance request shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; and 4) provide photographs of both the current work completed and the proposed site for continued work. The work period variance request should consider the effects of increased stream levels, rain delays, increased erosion control measures, limited access due to saturated soil conditions, and limited growth of erosion control grasses due to cool weather. Work period variances are issued at the discretion of CDFW. CDFW will review the written request to work outside of the established work period. CDFW will have ten calendar days to review the proposed work period variance. CDFW reserves the right to require additional measures to protect fish and wildlife resources as a condition for granting the variance.
- 2.3 Designated Biologist. Before initiating ground- or vegetation-disturbing activities, Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information for a biological monitor (Designated Biologist). Permittee shall obtain CDFW's written approval of the Designated Biologist prior to the commencement of project activities. The Designated Biologist shall be knowledgeable and experienced in the biology and natural history of local fish and wildlife resources present at the project site.
- 2.4 On-site Education. Permittee shall conduct an education program for all persons employed or otherwise working on the project site prior to performing any work on-site. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology of the habitats and species identified in this Agreement and present at this site. The Designated Biologist shall also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations and project-specific protective measures included in this Agreement. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to

their performing work on-site. Permittee shall prepare and distribute wallet-sized cards or a fact sheet that contains this information for workers to carry on-site. Upon completion of the education program, employees shall sign a form stating they attended the program and understand all protection measures. These forms shall be filed at the worksite offices and submitted as instructed in Contact Information section below. Email notification is preferred.

- 2.5 Special Status Species encountered during work. If the Permittee encounters any special status species during the conduct of project activity, work shall be suspended, CDFW notified, and conservation measures shall be developed in agreement with CDFW prior to re-initiating the activity. If during the conduct of maintenance, the Permittee encounters any species listed as Threatened or Endangered pursuant to the California Endangered Species Act (CESA), work shall be suspended, and CDFW notified. Work may not re-initiate until the Permittee has consulted with CDFW and can demonstrate compliance with CESA.
- 2.6 Vegetation Removal. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. Except as listed in the project impacts section above, no native trees with a trunk diameter at breast height (DBH) in excess of four (4) inches shall be removed or damaged during construction. Where native trees or woody riparian vegetation split into several trunks close to ground level, the DBH shall be measured for each trunk and calculated as one tree. Using hand tools (clippers, chain saw, etc.), trees may be trimmed to the extent necessary to gain access to the work sites. All cleared material/vegetation shall be removed out of the riparian zone and stream channel.
- 2.7 Bird Nests. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird except as otherwise provided by the FGC. No trees that contain active nests of birds shall be disturbed until all eggs have hatched and young birds have fledged without prior consultation and approval of a CDFW representative. If construction is scheduled during the breeding season (approximately February 15th to August 31st) then a breeding bird survey will be conducted no more than 15 days prior to the start of construction by a CDFW approved biologist. All active bird nests will be marked following the survey to avoid destruction by equipment. If nesting raptors or migratory birds are identified within the area, a non-disturbance buffer will be established around the nest site. The size of the non-disturbance buffer and any other restrictions will be determined, before project activities commence, through consultation with CDFW following completion of the survey.
- 2.8 Stabilize Exposed Areas. The Permittee shall take precautions to minimize turbidity/siltation during construction and post-construction periods. Precautions shall include, but are not limited to: best management erosion control practices to stabilize all exposed/disturbed areas within the project site to the greatest extent possible.
- 2.9 Sediment Control. Precautions to minimize turbidity/siltation shall be taken into account during project planning and implementation. This may require the

placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches. **Products with plastic monofilament or cross joints in the netting that are bound/stitched (such as found in straw wattles/fiber rolls and some erosion control blankets) which may cause entrapment of wildlife, shall not be allowed.**

Passage of sediment beyond the sediment barrier(s) is prohibited. If any sediment barrier fails to retain sediment, corrective measures shall be taken. The sediment barrier(s) shall be maintained in good operating condition throughout the construction period and the following rainy season. Maintenance includes, but is not limited to, removal of accumulated silt and/or replacement of damaged silt fencing, coir logs, coir rolls, and/or straw bale dikes. Upon CDFW's determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective CDFW approved control devices are installed or abatement procedures are initiated.

- 2.10 Removal of Silt Barrier. The Permittee is responsible for the removal of non-biodegradable silt barriers (such as plastic silt fencing) after the disturbed areas have been stabilized with erosion control vegetation (usually after the first growing season).
- 2.11 Stream Diversions / Dewatering. If work in the flowing portion of the stream is unavoidable, the entire stream flow shall be diverted around or through the work area during the excavation and/or construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses. When a temporary dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream to maintain aquatic life below the dam pursuant to FGC section 5937. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream diversions shall be removed prior to the winter period.
- 2.12 Heavy Equipment. No heavy equipment shall operate, or any excavation take place, in the portion of the stream where flowing water is present. Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat. If maintenance or refueling of vehicles or equipment must occur on-site, use a designated area and/or a secondary containment, located away from drainage courses to prevent the runoff of storm water and the runoff of spills. Place drip pans or absorbent materials under vehicles and equipment when not in use. Equipment shall be stored in areas that any possible contamination from the equipment would not flow or be washed back into the channel.

- 2.13 Hazardous Materials. Debris, soil, silt, sand, rubbish, construction waste, cement or concrete or washings thereof, asphalt, paint, oil or other petroleum products or any other substances which could be hazardous to aquatic life, or other organic or earthen material from any logging, construction, or other associated work related activity shall not be stored where it could be washed back into the channel or where it will cover aquatic or riparian vegetation. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located more than twenty (20) feet from the stream and banks. Ensure that all construction areas have proper spill clean-up materials (absorbent pads, sealed containers, booms, etc.) to contain the movement of any spilled substances. All debris shall be disposed of properly. Best Management Practices (BMPs) shall be employed to accomplish these requirements. CDFW shall be notified immediately by the Permittee of any spills and shall be consulted regarding clean-up procedures.
- 2.14 Invasive Species. Permittee shall conduct project activities in a manner that prevents the introduction, transfer, and spread of aquatic, riparian, and terrestrial invasive species from one work site and/or water body to another. Prevention BMPs and guidelines for invasive plants can be found on the California Invasive Plant Council's website at: <http://www.cal-ipc.org/ip/prevention/index.php> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <http://www.protectyourwaters.net/>. Permittee shall notify the Department immediately if an invasive species not previously known to occur within the work site is discovered during work activities by contacting the Department's Invasive Species Program by email at Invasives@wildlife.ca.gov.
- 2.15 Decontamination Sites. Permittee shall perform decontamination of vehicles, watercraft, and other project gear and equipment in a designated location where runoff can be contained and not allowed to pass into water courses and other sensitive habitat areas.
- 2.16 Removal of Debris, Materials and Rubbish. The Permittee shall remove all Project generated debris, building materials and rubbish from the stream and from areas within one hundred and fifty (150) feet of the high water mark, where such materials could be washed into the stream following completion of Project activities.
- 2.17 Site Restoration. All exposed/disturbed areas and access points within the stream left barren of vegetation as a result of the construction activities, such as staging areas, shall be restored using locally native grass and/or forb seeds, locally native grass plugs and/or a mix of quick growing sterile non-native grass with locally native grass/forb seeds. Seeded areas shall be covered with broadcast straw and/or seeded erosion control blankets.

3. Reporting Measures

The Permittee shall meet each reporting requirement described below.

- 3.1 The Permittee shall notify CDFW within two working days of beginning work within the channel. Notification shall be submitted as instructed in Contact Information section below. Email notification is preferred.
- 3.2 Upon completion of the project activities described in this Agreement, the work area shall be digitally photographed. Photographs and notification of project completion shall be submitted to CDFW within 30 days of completion as instructed in Contact Information section below. Email submittal is preferred.

CONTACT INFORMATION

Any communication that the Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as the Permittee or CDFW specifies by written notice to the other.

To the Permittee:

Fred Pezeshk
County of Lake
255 North Forbes Street
Lakeport, CA 95453
Phone: (707) 263-2341
Email: fred.pexeshk@lakecountyca.gov

To CDFW:

Department of Fish and Wildlife
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0222-R2
Phone: (916) 358-2900 or 916-358-2885
Fax: (916) 358-2912
Email: R2LSA@wildlife.ca.gov

LIABILITY

The Permittee shall be solely liable for any violations of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety the Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code, § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall expire five years from the date signed by CDFW, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any

provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

EXHIBITS

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference.

- A. Exhibit A. Map of Project Location
- B. Exhibit B. General Plan- Dated April 4, 2017
- C. Exhibit C. Utility Plan- Dated April 4, 2017
- D. Exhibit D. Tree Removal Plan- Dated April 4, 2017

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of the Permittee, the signatory hereby acknowledges that he or she is doing so on the Permittee's behalf and represents and warrants that he or she has the authority to legally bind the Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR THE COUNTY OF LAKE



Fred Pezeshk

8/16/17

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Tina Bartlett

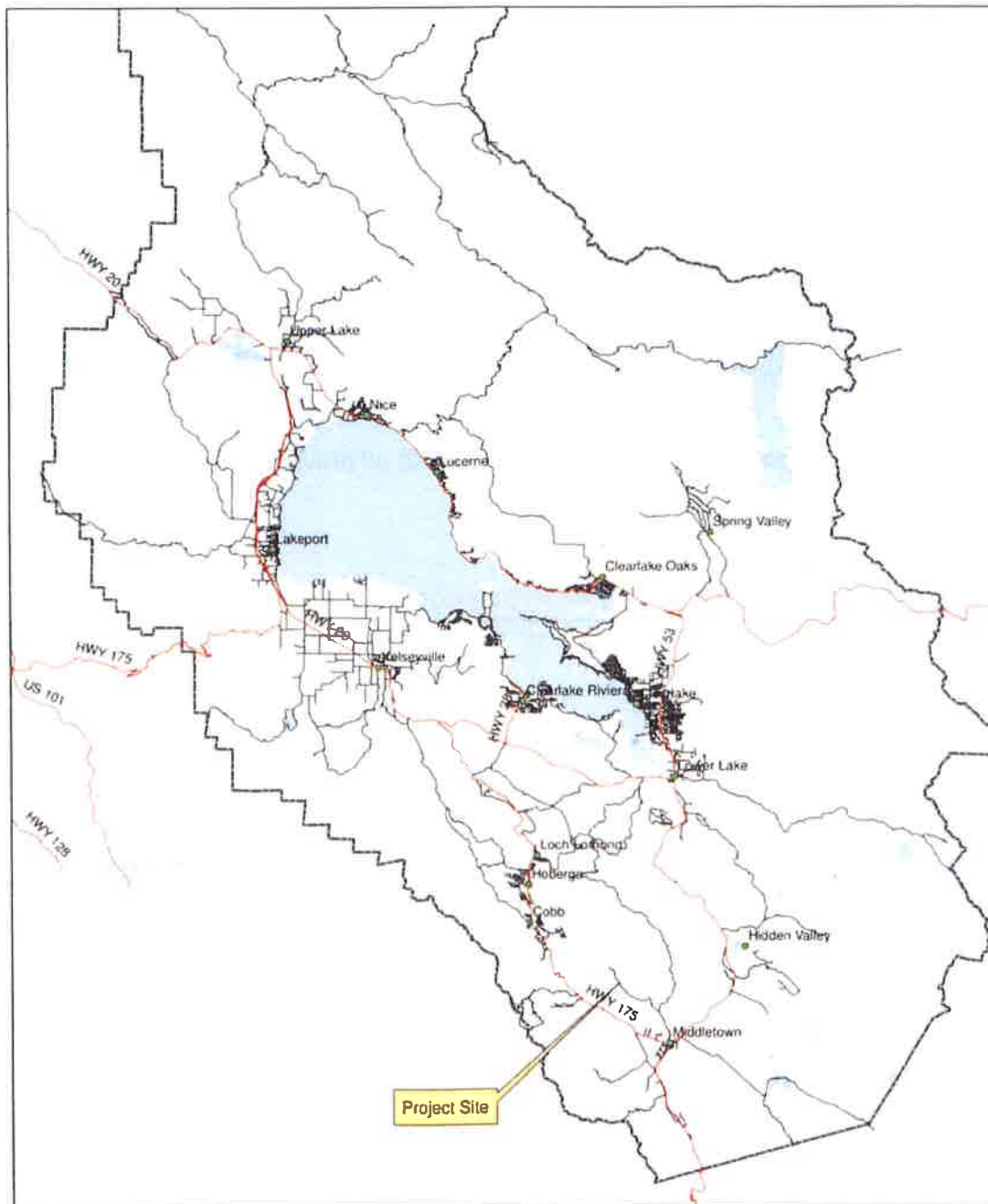
Regional Manager

8/24/17

Date

Prepared by: Tanya Sheya
Environmental Scientist

Exhibit A. Map of Project Location



Harbin Creek Bridge Rehabilitation
BRLO-5914 (070)
Site Map



0 2.5 5 10 Miles

Reference Scale: 1 inch = 5 miles (1:316,800)
Projection: California State Plane Zone II - NAD 83 - Feet

Exhibit B. General Plans- Dated April 4, 2017

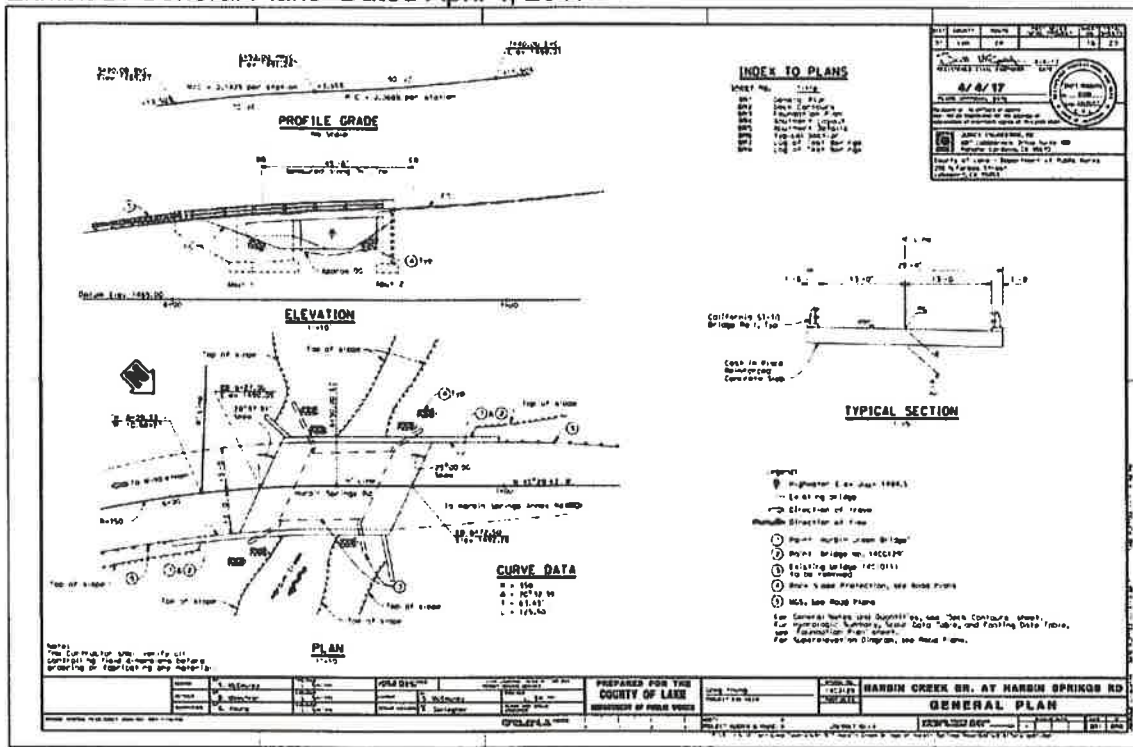
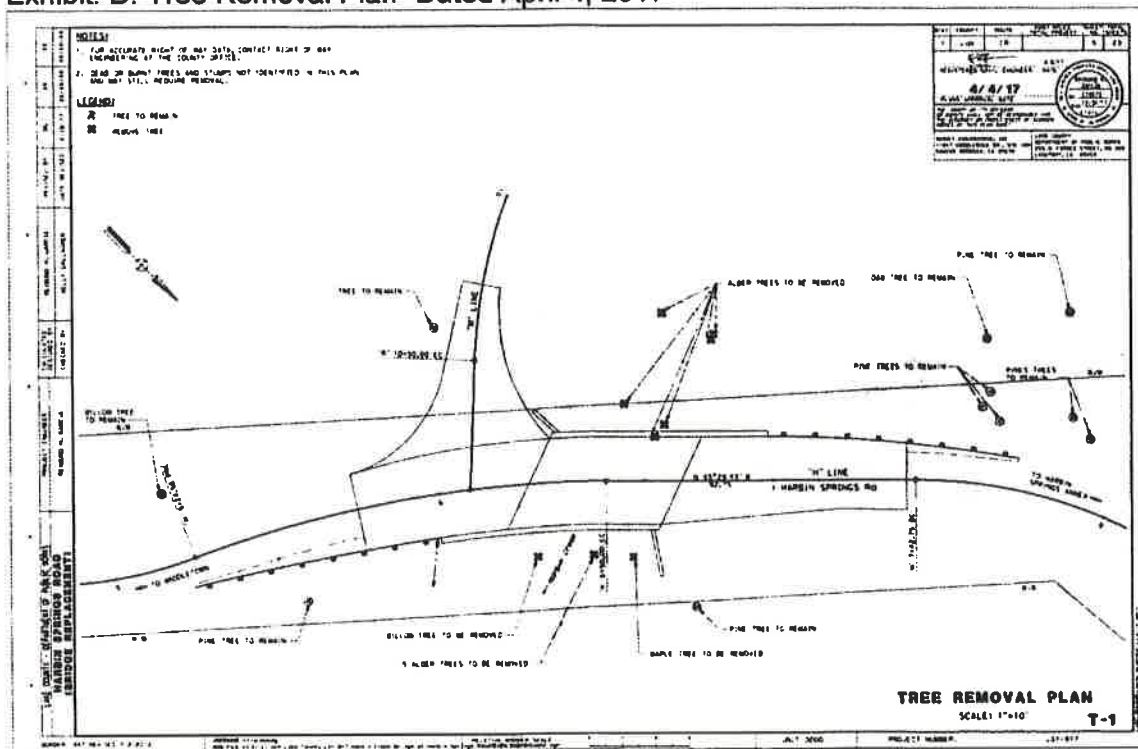




Exhibit. D. Tree Removal Plan- Dated April 4, 2017



August 11, 2017

Client:

Bridgeway Civil Constructors, Inc.
Attn: Dylan Honaker
4950 Allison Parkway, Suite A
Vacaville, CA 95688

Project: Harbin Creek Bridge Replacement at Harbin Springs Road, Lake County, California.

Project Understanding: Bridgeway Civil Constructors were awarded the Harbin Creek Bridge Replacement at Harbin Springs Road project (Project) by the County of Lake (County) in July 2017. The Project proposes to replace the existing bailey bridge with a single span precast, prestressed, concrete slab bridge. A temporary detour road on a new western alignment and installation of a water diversion will be necessary to maintain traffic during construction. It is our understanding that the County is the applicant.

The Project's CEQA document, Streambed Alteration Agreement Notification, and Special Provisions stated that there is a potential for foothill yellow-legged frog (FYLF, *Rana boylei*) to occur within Harbin Creek. On August 4, 2017, Gallaway Enterprises confirmed the presence of FYLF within the Project site during a preconstruction survey. On June 21, 2017 the FYLF was designated as a candidate species for listing as threatened under the California Environmental Species Act (CESA). Candidate species are subject to the same legal protections as endangered or threatened species under CESA. Based on the presence of FYLF within the Project site and potential for "take" due to the proposed installation of a stream diversion the project must obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW). The CDFW issues ITPs to allow a permittee to take a CESA-listed species if such taking is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Under CESA "take" is defined as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Once an ITP is issued, the Project can commence installation of the stream diversion.

Task 1: Facilitate Expedited Incidental Take Permit

Gallaway Enterprises will prepare an ITP application for FYLF. Gallaway Enterprises will submit the ITP application directly to CDFW and will request expedited issuance. Based on our experience there will be two challenges that affect the timeline associated with issuance of an ITP. The first is negotiating avoidance and minimization measures that reduce the potential for take, the second, the need for compensatory mitigation. It is our opinion that restoration on-site is suitable mitigation to off-set temporary impacts to FYLF and any documented "take" as long as "take" is limited to less than 5 individuals and the project is completed on time. The applicant will need to provide CDFW with a letter of credit or other financial security demonstrating that there are funds available for the restoration and monitoring of FYLF during and following construction. Gallaway will provide the applicant a budget for monitoring during and following construction and the applicant will provide Gallaway with a budget for

on-site restoration. The combined budget will constitute the total amount of funds that need to be secured to satisfy the funding element of mitigation. Gallaway Enterprises will consistently translate any direct, indirect, and temporary impacts to FYLF habitat from the project description, identify project-specific best management practices in an effort to reduce potential for "take" (such as construction practices, staging area protective measures, relocating frogs, establishment of buffer zones), and identify reasonable mitigation methods. Gallaway Enterprises must submit a concept plan for mitigation with the ITP, therefore the contractor and/or County will need to assist with the development of this plan. Gallaway Enterprises assumes the need for consultation with the CDFW in the form of emails, phone conversations, and meetings to facilitate and finalize the ITP process.

Deliverable: A draft ITP Application will be submitted to the County within two (2) working days of contract execution. Gallaway Enterprises will revise the ITP Application with the County's requested edits and submit the final ITP Application within one (1) day of receiving them.

Cost Estimate

Services will be rendered on a time and materials basis according to the attached fee schedule, not to exceed \$5,000. This cost estimate does not cover time and expenses to assist the contractor or County with compliance with the ITP special provisions. Gallaway Enterprises will invoice, as reimbursable expenses, all costs and expenses actually incurred which are specific to and necessary for the direct production of work. Such costs include, but are not limited to: equipment rental, reproductions, maps and other documents. Our billings are due and payable 30 days after receipt. If you have any questions about any items on your invoice, please contact us promptly. Invoices not paid after 30 days will result in a stop work order until the full balance has been paid.

Task	Description	Senior Regulatory Biologist	Senior Biologist	Total
		\$115	\$90	
1	ITP Application and Facilitation	NTE		\$5,000
Estimated Total				\$5,000

Allocation of Gallaway Enterprises Staff

Senior Regulatory Biologist

Jody Gallaway

(530) 332-9909

jody@gallawayenterprises.com

Senior Biologist/Project Manager

Melissa Murphy

(530) 332-9909

melissa@gallawayenterprises.com

September 12, 2017

Client:

Bridgeway Civil Constructors, Inc.
Attn: Gabe Farncroft
4950 Allison Parkway, Suite A
Vacaville, CA 95688-9346

Project: Harbin Creek at Harbin Springs Road Bridge Replacement Project – Change Order #3

Task 6a. Additional ITP Application Information and Habitat Enhancement Plan Preparation

Respond to CDFW's request for additional information on the ITP application package, and prepare a HEP to satisfy mitigation for temporary impacts to foothill yellow-legged frog habitat.

Task 6b. Prepare a Foothill Yellow-Legged Frog Relocation Plan and Update BRIP

Prepare a foothill yellow-legged frog relocation plan as required by the Draft ITP Measures. Per the Draft ITP Measures: The County of Lake shall submit to CDFW for approval a Covered Species Survey and Relocation Plan that shall detail the specific methods, techniques, and relocation areas before the start of work. In addition, Gallaway Enterprises will update the Biological Resource Information Program to include the draft ITP measures.

Task 7. Daily Compliance Monitoring

Per the draft ITP measures: The Designated Biologist shall be on-site daily when Covered Activities occur. All four (4) of Gallaway Enterprises' biologists have been approved to conduct daily monitoring at the site.

Cost Estimate

Tasks 6a and 6b: Task 6a and 6b will be billed on a time and materials according to the attached fee schedule. Gallaway Enterprises will invoice, as reimbursable expenses, all costs and expenses actually incurred which are specific to and necessary for the direct production of work.

Table 1: Cost Estimate Tasks 6a and 6b.

Task	Description	Senior Regulatory Biologist	Senior Biologist/Botanist	Biologist	Total
		\$115	\$90	\$75	
6a	Additional ITP Application Information HEP	\$345	\$630	-	\$975
6b	FYLF Relocation Plan	-	\$270	\$750	\$1,020
Estimated Total					\$1,995

Task 7: A work day rate of \$865 will be billed for each biologist onsite. Working day rate includes nine (9) hours labor, “normal” travel expenses (i.e. fuel and per diem), and reports. Gallaway Enterprises has estimated needing to monitor ITP Covered Activities for 45 working days; however, billing will reflect the actual number of days worked. Monitoring time will be billed to the original contract amount of \$6,510 for Bid Item 18 – Contractor Supplied Biologist until that budget has been exhausted at which point Gallaway Enterprises will begin billing daily monitoring work days to CO #3 Task 7.

Table 2: Cost Estimate Task 7

Task	Description	Quantity	Unit	Rate	Total
7	Daily Monitoring of Covered Activities	45*	WD^	\$865	\$38,925*
Estimated Total					\$38,925

**Billing will reflect actual number of days worked.*

^Work Day=One biologist for no more than 9 hours in a day. Includes labor, per diem, travel time, and reports.

Our billings are due and payable upon receipt. If you have any questions about any items on your invoice, please contact us promptly. Invoices not paid after 30 days will result in a stop work order until the full balance has been paid.

Allocation of Gallaway Enterprises Staff

Point of Contact and Designated Biologist

Melissa Murphy
117 Meyers Street, Suite 120
Chico, CA 95928
www.gallawayenterprises.com
(530) 332-9909 office
melissa@gallawayenterprises.com

Gallaway Enterprises, Inc

Schedule of Fees*

Effective January 1, 2016

Labor

Senior Regulatory Biologist	\$115.00 per hour
Senior Project Manager	110.00 per hour
Senior Botanist/Biologist/Planner	90.00 per hour
Licensed Arborist	78.00 per hour
Biologist/Botanist/Planner	75.00 per hour
GIS Analyst I	68.00 per hour
Soil Technician	70.00 per hour
Archaeologist	70.00 per hour
Water Quality Monitor QSP/CESSWI	70.00 per hour
Compliance Monitor/Field Technician	65.00 per hour
Litigation Support – Expert Witness Testimony	250.00 per hour
Emergency Services**	150.00 per hour
Clerical/Accounting/Administrative	50.00 per hour

Expenses

Document Reproduction, Materials, Permit Fees, Etc.	Actual Cost
Sub-Contractors	Actual Cost+ 5%
Boat Rental	\$100/day
GPS Equipment, Spray Rig, ATV	\$50/day
Fish Electroshock and other sampling equipment	varies
Mileage (applies to projects located more than 100 miles from our Chico office)	0.54 per mile

1. Per diem charges for travel may apply depending upon the job location. Per diem costs will be described within contract documents or included in unit prices.
2. These rates are for projects that do not require certified payroll.

*Negotiated fee schedules are available for on-call contracts and multi-year projects.

**Emergency rates apply when services are required and rendered with less than 48 hours' notice.

