

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Public Works

BOARD AGENDA # \*C-2

Urgent  Routine

AGENDA DATE June 10, 2014

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Execute the United States Department of the Interior Bureau of Reclamation Temporary Construction Permit for the Pete Miller Road Bridge over Delta-Mendota Canal Seismic Retrofit Project in Stanislaus County, Federal Project Number: BRLOZ-5938 (156)

STAFF RECOMMENDATIONS:

1. Approve the United States Department of the Interior Bureau of Reclamation (USBR) Temporary Construction Permit (TCP) for the Pete Miller Road Bridge over the Delta-Mendota Canal Seismic Retrofit Project (Project).
2. Authorize the Director of Public Works to execute the TCP for the Pete Miller Road Bridge over Delta-Mendota Canal Seismic Retrofit Project.

FISCAL IMPACT:

In accordance with 43 Code of Federal Regulations (CFR) Part 429, Subpart D, the County will be responsible for all administrative costs incurred by the USBR in processing, issuing, and monitoring this TCP including but not limited to compliance with the Environmental Policy Act and the National Preservation Act. The cost associated with these administrative fees will be covered by the deposit of \$6000.00 the County placed with the USBR at the onset of the Project, which was filed in December 2012. The use fees have been waived in accordance with 43 CFR Part 429, Subpart F.

BOARD ACTION AS FOLLOWS:

No. 2014-276

On motion of Supervisor Withrow, Seconded by Supervisor Monteith  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Execute the United States Department of the Interior Bureau of Reclamation Temporary Construction Permit for the Pete Miller Road Bridge over Delta-Mendota Canal Seismic Retrofit Project in Stanislaus County, Federal Project Number: BRLOZ-5938 (156)

**DISCUSSION:**

The Pete Miller Road Bridge is located approximately 5 miles west of the City of Gustine and 1 mile north of Sullivan Road. The Bridge has a sufficiency rating of 67.9 and has been determined by the California Department of Transportation (CALTRANS) to be an unstable structure and could collapse in the event of an earthquake.

The purpose of this project is to improve public safety. The improvements to the bridge consist of seismically retrofitting bridge joints, removal and replacement of bridge barriers, and addition of new approach slabs.

Project Construction is estimated to begin September 2014 and will be completed in December 2014.

The TCP allows the County and its contractor(s) access on and over the USBR Right of Way and to relocate the existing canal access road(s) across the USBR Right of Way. The TCP becomes effective once both the USBR and the County duly execute the agreement. The TCP shall not extend beyond the completion date of the Project or two years from the effective date, whichever comes first.

**POLICY ISSUES:**

The recommended actions are consistent with the Board's priorities of providing A Safe Community, A Healthy Community, and A Well Planned Infrastructure System by seismically retrofitting a deficient bridge in Stanislaus County.

**STAFFING IMPACT:**

There are no staffing impacts associated with this item

**CONTACT PERSON:**

Matt Machado, Public Works Director. Telephone: (209) 525-4130.

SC/djd

L:\BRIDGES\9407 PETE MILLER ROAD BRIDGE\BOS\6-10-14\_BOS Item\_9407 Pete Miller Bridge\_USBR\_Permit

4/10/14 \* C-2

ORIGINAL

CVP-2018  
Index No. 1/Unit No. E-3

Contract Number 14-LC-20-0538

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Delta Division, Central Valley Project  
PERMIT FOR TEMPORARY ACCESS AND  
PERMANENT REALIGNMENT OF RECLAMATION RIGHT OF WAY SERVICE ROAD  
APPROACHES AT THE PETE MILLER ROAD BRIDGE CROSSING  
AT THE DELTA-MENDOTA CANAL

**THIS TEMPORARY CONSTRUCTION PERMIT**, given this 16<sup>th</sup> day of JUNE, 2014, in accordance with the Act of Congress approved June 17, 1902 (32 Stat. 388) and all other acts amendatory or supplementary thereto, particularly the Reclamation Project Act of 1939 (53 Stat. 1187), is entered into, by and between THE UNITED STATES OF AMERICA (United States), through its Department of the Interior, Bureau of Reclamation (Reclamation), and the County of Stanislaus, a political subdivision of the State of California; and the

County of Stanislaus  
Department of Public Works  
1716 Morgan Road  
Modesto, CA 95358

hereinafter referred to as the "County".

**RECITALS:**

The United States, through the Bureau of Reclamation (Reclamation), acquired certain lands for the right-of-way (ROW) of the Delta-Mendota Canal (DMC), in connection with the Delta Division of the Central Valley Project; and

**WHEREAS**, the San Luis & Delta-Mendota Water Authority (SLDMWA) as the non-federal operating entity is responsible for the operation and maintenance (O&M) of the DMC; and

**WHEREAS**, Reclamation entered into Contract No. 14-06-200-1048 with the County for O&M of the existing Pete Miller Road Bridge (Bridge), which currently spans the DMC and crosses Reclamation ROW, in the Stanislaus County, California; and

**WHEREAS**, Reclamation transferred ownership and O&M of the Bridge on October 20, 1964 pursuant to the terms of the Board of Supervisors, County of Stanislaus, State of California Resolution entitled: Approving Agreement With U.S. Bureau Of Reclamation For Bridges Over

ORIGINAL

Delta-Mendota Canal; and

**WHEREAS**, the County has notified Reclamation of their intent to seismically retrofit the Pete Miller Road Bridge Seismic Retrofit (Project); and

**WHEREAS**, the County's Project will require the temporary use of Reclamation ROW for vehicular access and for staging equipment and supplies; and

**WHEREAS**, the County's Project will require the permanent realignment of DMC O&M service road approaches as they cross Pete Miller Road; and of appurtenances such as fencing, gates and bollards; and

**WHEREAS**, The United States has determined that, the temporary use of Reclamation ROW for staging, vehicular access, resurfacing and the permanent realignment of certain DMC O&M service roads as they cross Pete Miller Road, is not, at this time, incompatible with the purpose for which the land was acquired.

**NOW THEREFORE**, in consideration of the mutual agreements and subject to the terms and conditions herein contained, the parties hereto agree as follows:

#### **PERMIT**

1. Subject to the following terms and conditions, the United States issues the County, without warranty of title, a non-exclusive Permit for access on and realignment, over and across Reclamation's ROW, as identified on "**Exhibit A**," attached hereto and made a part hereof, within that portion of certain lands described as follows:

*Said portion of land is in the South Half (S ½) of the Southeast Quarter (SE ¼) of Section 4, Township 8 South, Range 8 East, and M.D.B. &M. and is located due West of Gustine in Stanislaus County, California.*

2. The County hereby agrees to indemnify and hold harmless the United States, SLDMWA, their employees, agents, and assigns from any loss or damage and from liability arising on account of personal injury, property damage or claims from personal injury or death arising out of the County's activities under this Permit.

3. Access to the DMC, by the County and their contractor(s) is restricted to the immediate vicinity of those portions of the DMC, as generally identified as Reclamation ROW on "**Exhibit B**," attached hereto and made a part hereof, and described in Article 1, above.

4. The County, at its sole expense, shall O&M the Project and shall keep its Project and related appurtenances in good and safe condition to the reasonable satisfaction of the United States. Additional construction, relocation, or use of the Permitted premises, which is not in

accordance with this Permit, shall not be initiated without the prior written approval of the United States. Additionally, the County will be required to reimburse the United States for its administrative costs involved in the review and approval of such additional alterations.

5. This Permit is granted subject to the existing rights in favor of the public or third parties for highways, roads, railroads, telegraph, telephone and electrical transmission lines, canals, laterals, ditches, flumes, siphons, and pipelines on, over, and across said land. The County recognizes that it has sole responsibility to make whatever arrangements are necessary to obtain such rights, as may be needed by the County, from any other party or parties holding any other interest in the Permitted premises.

6. This Permit is personal, revocable, and nontransferable and will become effective on the date hereinabove written but in no event will the term of this Permit extend beyond the completion date of the Project or two (2) years from the effective date, whichever is soonest.

7. This Permit may be revoked by Reclamation upon thirty (30) days written notice to the County if:

- (a) The County's use of the land interferes with existing or proposed Facilities;
- (b) The land contained in the Permit is needed for any United States purpose;
- (c) The United States disposes of its interest in the land contained in this Permit;
- (d) The County fails to comply with any of the terms and conditions of this Permit, and upon notification of the violation, the County fails to adequately cure the violation in a timely manner. Reclamation and SLDMWA will have the final determination regarding the adequacy of the cure. Reclamations determination of an adequate cure shall not be unreasonably withheld.

8. The County will not:

- (a) Store any hazardous material on the DMC ROW.
- (b) Use water from the DMC for activities unrelated to the Project.
- (c) Leave waste and debris on the DMC.

9. All improvements and construction shall be in compliance with plans and specifications which have been reviewed and approved by Reclamation and SLDMWA, titled "STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS PLANS FOR THE SEISMIC RETROFIT CONSTRUCTION OF PETE MILLER ROAD BRIDGE," prepared by or under the direction of Ryan J. Neves, Registered Professional Engineer No. 67731, whose commission expires June 6, 2015. All twenty-eight (28) drawings listed on Sheet Index and dated January 3, 2014 are prepared by or under the direction of the Permittee and are attached as "**Exhibit D**" and made a part hereof. A set of final plans will be submitted by the Permittee and written approval from Reclamation must be obtained by the Permittee prior to any on-site activity.

Within sixty (60) days of the completion of the construction activities Permitted herein, the Permittee shall provide two (2) reproducible "as built" drawing sets to Reclamation. Any changes to project requirements in subsequent addendums, modifications, change orders or items agreed to in construction meeting(s) which have the potential to adversely affect Reclamation facilities shall be submitted to and accepted by Reclamation and SLDMWA, and upon acceptance are hereby included and made a part hereof. Copies of all changes to project requirements shall be provided to Reclamation and SLDMWA within five (5) days of their issuance

10. ADMINISTRATIVE COSTS AND USE FEES. In accordance with 43 CFR Part 429, Subpart D, the County shall be responsible for all administrative costs incurred by Reclamation in processing, issuing and monitoring this Permit including but not limited to compliance with the national Environmental Policy Act and the national preservation Act. In accordance with 43 CFR Part 429, Subpart F, use fees for the rights granted herein have been waived.

After the Permit has been issued, periodic field reviews will be conducted to monitor the use to ensure it is in compliance with the provisions of this Permit.

11. TERMINATION. Any activity deemed to be illegal on Federal lands shall be cause for immediate termination of the Permit. This Permit shall terminate and all rights of the County hereunder shall cease, and the County shall quietly deliver to the United States possession of the premises in like condition as when taken, reasonable wear and damage by the elements excepted:

- (a) At the expiration of the term as provided by Article 6; or
- (b) On the date hereinabove first date written, of any year, upon written notice to the County, served ten (10) days in advance thereof; or
- (c) After failure of the County to comply with any terms and/or conditions of this Permit, and, upon notification of the violation, the County fails to adequately cure the violation in a timely manner. Reclamation will have the final determination regarding the adequacy of the cure.

The notices provided by this article will be served by certified mail addressed to the respective post office addresses given in Article 24 and the mailing of any such notice properly enclosed, addressed, stamped, and certified, will be considered service. If this Permit is terminated under Article 7(d), the United States reserves the right to bar the County from the authorization to use acquired or withdrawn public land on the DMC for a period of time, as determined by the Area Manager.

12. The County and its contractors shall comply with requirements of the latest edition (currently the October 2009 edition) of the Reclamation Safety and Health Standards handbook while conducting any activity on Reclamation land or facilities. A copy can be downloaded from Reclamation's public web site at: <http://www.usbr.gov/ssle/safety/RSHS/rshs.html>

13. HAZARDOUS MATERIALS. During the term of this Permit, the County and/or its contractors hereby agree as follows:

(a) The County shall comply with all applicable Federal, State and local laws and regulations, and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous materials that will be used, produced, transported, stored, or disposed of on or in lands, waters, or facilities owned by the United States or administered by Reclamation.

(b) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C., section 9601, et seq., and the regulations promulgated pursuant to that Act.

(c) Upon discovery of any event, which may or does result in contamination or pollution of Federal lands, waters, or facilities, the County shall initiate any necessary emergency measures to protect health, safety and the environment and shall report such discovery and full details of the actions taken to the Contracting Officer. Reporting may be within a reasonable time period. A reasonable time period means within twenty-four (24) hours of the time of discovery if it is an emergency or by the first working day if it is a non-emergency. An emergency is any situation that requires immediate action to reduce or avoid endangering public health and safety or the environment.

(d) Violation of any provisions of this Article, as determined by the Contracting Officer, may constitute grounds for termination of this contract. Such violations require immediate corrective action by the County and shall make the County liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

(e) The County agrees to include the provisions contained paragraphs (a) through (e) of this Article in any subcontract or third party contract it may enter into pursuant to this contract.

(f) Reclamation agrees to provide information necessary for the County, using reasonable diligence, to comply with the provisions of this Article.

14. CULTURAL RESOURCES PROTECTION. The County shall immediately provide an oral notification to Reclamation's authorized official of the discovery of any and all antiquities or other objects of cultural, historic, or scientific interest on Reclamation lands. The County shall forward a written report of its findings to Reclamation's authorized official within forty-eight (48) hours. Objects under consideration include, but are not limited to, historic or prehistoric ruins, human remains, or artifacts discovered as the result of activities under this Permit. The County shall cease activity, stabilize, and protect such discoveries until authorized to proceed by

Reclamation's authorized official. Protective and mitigative measures specified by Reclamation's authorized official shall be the responsibility of the County.

15. DISCOVERY OF HUMAN REMAINS. The County shall immediately provide an oral notification to Reclamation's authorized official of the discovery of human remains on Reclamation land. The County shall forward a written report of its findings to Reclamation's authorized official within forty-eight (48) hours by certified mail. The County shall cease activity, stabilize, and protect such discoveries until authorized to proceed by the Regional Archaeologist for Reclamation (916) 978-5041. Protective and mitigative measures specified by the Regional Archaeologist shall be the responsibility of the County.

16. ENVIRONMENTAL COMMITMENTS. Environmental commitments have been identified for this Project and are listed in the Environmental Commitment Table, hereby incorporated into this Permit as "*Exhibit C*". The County shall comply with all environmental commitments specified herein. All questions or comments about the ECT should be directed to Reclamation's Supervisory Natural Resource Specialist at (559) 487-5116.

17. Construction, O&M of the Project shall be conducted in accordance with all applicable Federal, State of California, and local safety and environmental regulations and to the satisfaction of Reclamation and the SLDMWA. The County will notify Water Operations Superintendent at SLDMWA (209) 832-6242, at least seventy-two (72) hours prior to initiating any activities on United States lands or Facilities.

18. UNRESTRICTED ACCESS. The United States reserves the right of their officers, agents, and employees at all times to have unrestricted access and ingress, passage over, and egress to and from all of said lands, to make investigations of all kinds, dig test pits and drill test holes, and to survey for and construct reclamation and irrigation works and other structures incidental to Reclamation projects, for any purpose whatsoever. Reclamation will make every reasonable effort to keep damages to a minimum.

19. The County shall ensure access for Reclamation and SLDMWA operation and maintenance needs during the times of construction and coordinate any closings of access with Reclamation's authorized users.

20. The County and/or its contractors, for the duration of contractors' activities, will maintain in force; policies of liability insurance; providing limits of not less the \$1,000,000 for each person/ occurrence and \$2,000,000 aggregate for bodily injury or death, and not less than \$1,000,000 property damage. Said policies will name the United States and SLDMWA as additional insureds (with the ISO CG 20 10 endorsement form or equivalent) and will provide that they will not be canceled or reduced in coverage without ten (10) days prior written notice to Reclamation and SLDMWA. Prior to commencement of said construction, the County will cause to be delivered to Reclamation and SLDMWA a copy of the certificate of insurance reflecting all essential coverage. The endorsement will reference Reclamation Contract Number 14-LC-20-0538 of this Permit in the description portion of the endorsement form.



21. SEVERABILITY. Each provision of this Permit shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this Permit shall be deemed or determined by the competent authority to be invalid or prohibited hereunder, such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or of this Permit as a whole.

22. OFFICIALS NOT TO BENEFIT. No member of or delegate to Congress or the Resident Commissioner will be admitted to any share or part of this Permit or to any benefit to arise herefrom, but this restriction will not be construed to extend to this Permit if made with a corporation or company for its general benefit.

23. RESERVATIONS. The jurisdiction and supervision of the United States over the Permitted premises is not surrendered or subordinated by the issuance of this Permit and the United States reserves the right to issue other Permits, rights-of-way, permits, or other agreements that do not interfere with the County's use and facilities.

There is reserved from the rights given in this right-of-way, the prior right of the United States to construct, operate, and maintain public works now or in the future authorized by the Congress of the United States without liability for severance or other damage to the County's Project, including the right to terminate when lands are needed for project purposes.

24. NOTICES.

(a) Any notice, demand, or request required or authorized by this Permit to be given or made to or upon the United States shall be deemed properly given or made if delivered or mailed postage-prepaid to the Area Manager, South-Central California Area Office, 1243 "N" Street, Fresno, CA 93721-1813.

(b) Any notice, demand, or request required or authorized by this Permit to be given or made to or upon the County shall be deemed properly given or made if delivered or mailed postage-prepaid to Colt Esenwein, P.E., Public Works Deputy Director, Stanislaus County, 1716 Morgan Road, Modesto, CA 95358-5805, 209-525-4184.

(c) The designation of the person to or upon whom any notice, demand, or request is to be given or made, or the address of such person may be changed at any time by notice given in the same manner as provided in this Article for other notices.

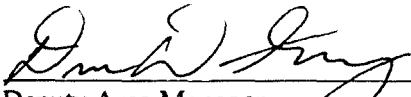
25. NO WARRANTY. The United States makes no warranty, expressed or implied, as to the extent or validity of the grant contained herein, or the condition at any time of the Permitted premises, or any of the property of the United States thereon, or the suitability of the Permitted premises for the purposes of the County.

26. The County warrants that no person or agency has been employed or retained to solicit or secure this Permit upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee except bona fide employees and bona fide commercial agencies maintained by the County for the purpose of securing business. For breach or violation of this warranty, Reclamation will have the right to revoke this Permit without liability or in its discretion to require the County to pay the full amount of such commission, percentage, brokerage, or contingency fee to the United States.

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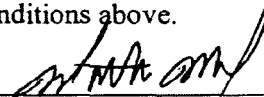
IN WITNESS WHEREOF this Permit is given as of the date of execution written below.

UNITED STATES OF AMERICA

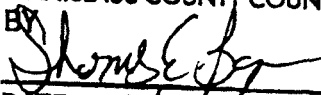
  
Deputy Area Manager  
South-Central California Area Office  
Bureau of Reclamation

ACCEPTED:

The COUNTY and its authorized representatives, by signature below, agree to the terms and conditions above.

  
Matthew Machado  
Director of Public Works

6/10/14  
Date

APPROVED AS TO FORM:  
STANISLAUS COUNTY COUNSEL  
BY   
DATE: 6/3/14

NOTED:

The San Luis & Delta-Mendota Water Authority and its authorized representatives, by signature below, agree to the terms and conditions above.

Noted By \_\_\_\_\_

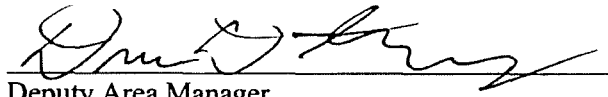
\_\_\_\_\_  
Date

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IN WITNESS WHEREOF this Permit is given as of the date of execution written below.

UNITED STATES OF AMERICA



Deputy Area Manager  
South-Central California Area Office  
Bureau of Reclamation

ACCEPTED:

The COUNTY and its authorized representatives, by signature below, agree to the terms and conditions above.

\_\_\_\_\_  
**Matthew Machado**  
Director of Public Works

\_\_\_\_\_  
Date

NOTED:

The San Luis & Delta-Mendota Water Authority and its authorized representatives, by signature below, agree to the terms and conditions above.



Noted By

6-3-14  
Date

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EXHIBIT "A"

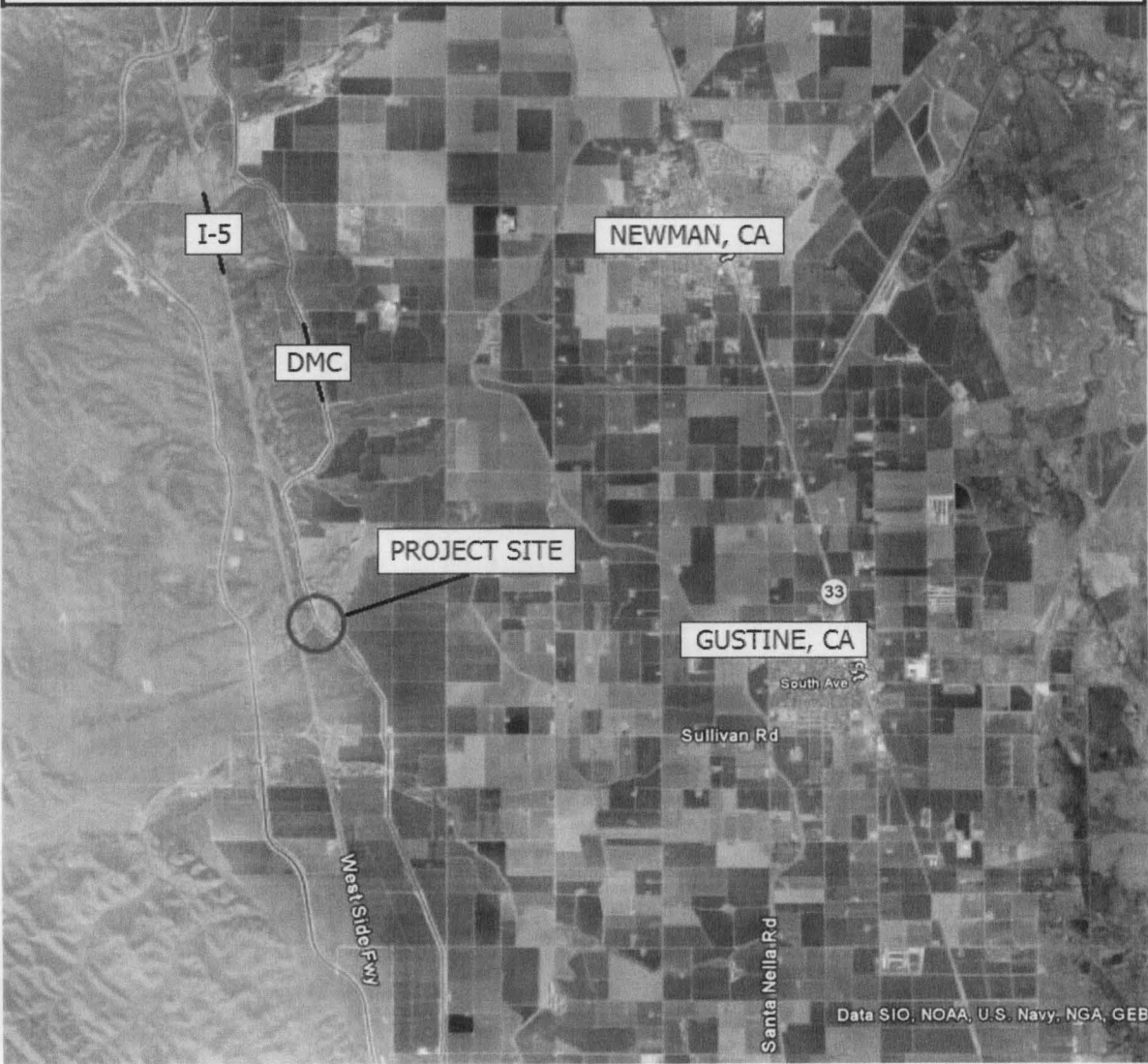
STANISLAUS COUNTY - PUBLIC WORKS DEPARTMENT  
— PETER MILLER ROAD BRIDGE RETROFIT —

VICINITY MAP

DELTA-MENDOTA CANAL  
DELTA DIVISION  
CENTRAL VALLEY PROJECT

GUSTINE, CA

LND-12-47



Data SIO, NOAA, U.S. Navy, NGA, GEB

EXHIBIT "B"

STANISLAUS COUNTY - PUBLIC WORKS DEPARTMENT  
— PETER MILLER ROAD BRIDGE RETROFIT —



**SITE MAP**

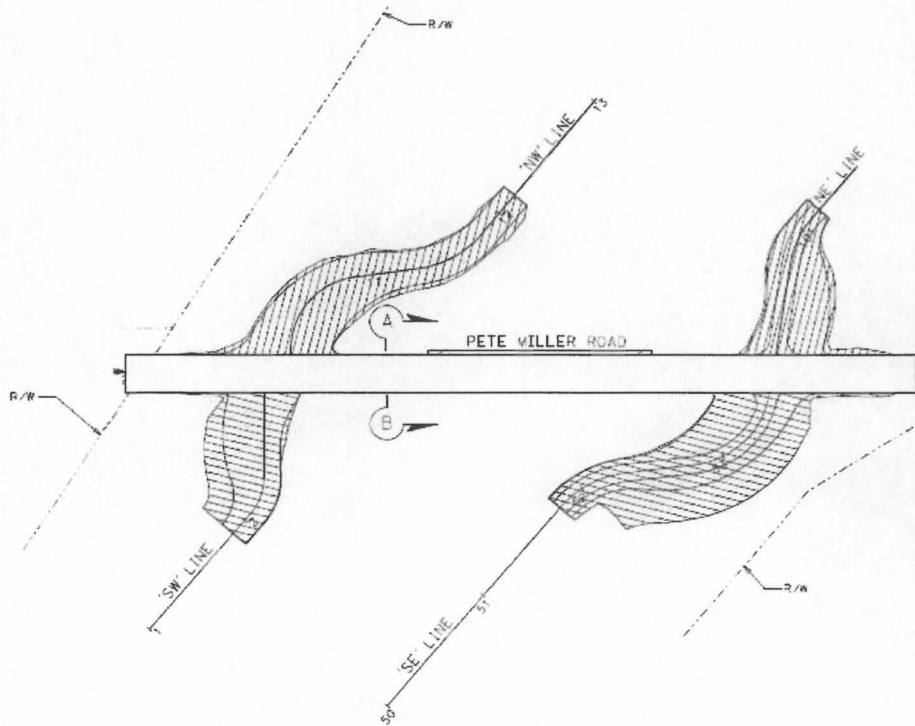
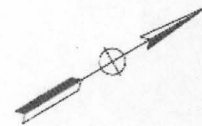
**DELTA-MENDOTA CANAL**  
**DELTA DIVISION**  
CENTRAL VALLEY PROJECT

GUSTINE, CA

LND-12-47

RECLAMATION ROW  
PERMITTED FOR TEMPORARY USE  
FOR ACCESS AND STAGING

-  STAGE 1 WORK
-  STAGE 2 WORK



SCALE: 1"=40'

EXHIBIT "C"

STANISLAUS COUNTY - PUBLIC WORKS DEPARTMENT  
— PETER MILLER ROAD BRIDGE RETROFIT —

Environmental Commitment Program

DELTA-MENDOTA CANAL  
DELTA DIVISION  
CENTRAL VALLEY PROJECT

GUSTINE, CA

LND-12-47

RECLAMATION  
*Managing Water in the West*

Environmental Commitment Program

This form must accompany all Federal discretionary action approvals that require compliance with the National Environmental Policy Act and other applicable environmental laws.

**Project Title:** Land Use Authorization for the Pete Miller Road Bridge Seismic Retrofit Project  
**Tracking Number:** CEC-13-002

On January 14, 2011 the President's Council on Environmental Quality (CEQ) issued guidance for Federal agencies to implement, monitor and evaluate environmental commitments identified in Environmental Assessments and Environmental Impact Statements completed for compliance with the National Environmental Policy Act (NEPA).


The Bureau of Reclamation's NEPA Handbook provides guidance on the establishment of an Environmental Commitment Program (ECP) to meet the CEQ guidance. The ECP is a system designed to implement, monitor and evaluate the environmental commitments identified in the NEPA document. The commitments from the EA are summarized in the following ECP table.

Compliance with the commitments requires that the project proponent follows the project description described in the associated Categorical Exclusion. Please direct any questions or comments regarding the Environmental Commitment Program to the:

Supervisory Natural Resources Specialist  
Department of Interior, Bureau of Reclamation  
1243 "N" Street, Fresno, CA 93721  
(559) 487-5116

"EXHIBIT B"

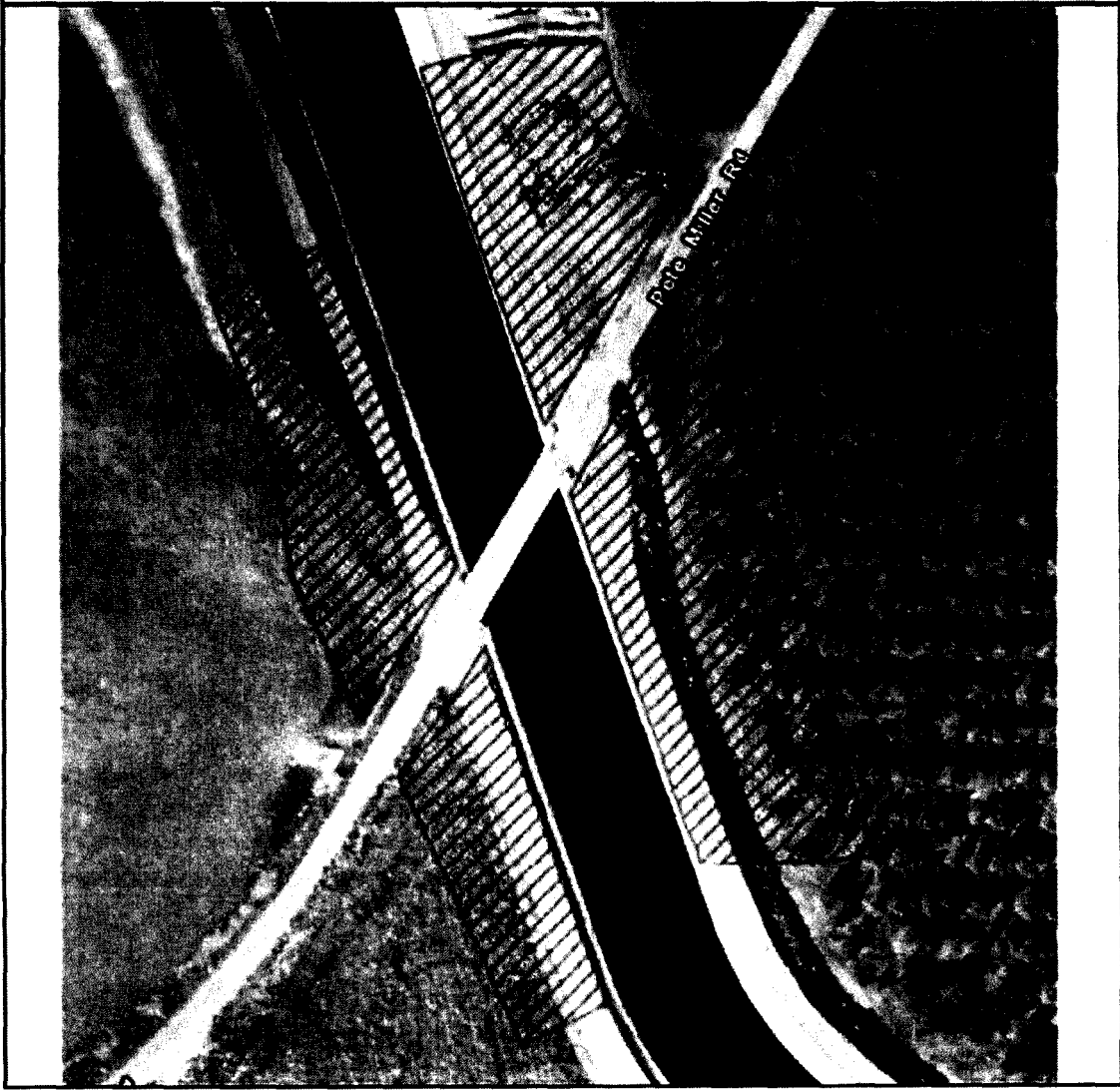
STANISLAUS COUNTY - PUBLIC WORKS DEPARTMENT  
— PETER MILLER ROAD BRIDGE RETROFIT —

 RECLAMATION ROW APPROXIMATE AREA FOR  
TEMPORARY USE FOR ACCESS AND STAGING

**DELTA-MENDOTA CANAL**  
**DELTA DIVISION**  
CENTRAL VALLEY PROJECT

GUSTINE, CA

LND-12-47







## Environmental Commitment Program

This form must accompany all Federal discretionary action approvals that require compliance with the National Environmental Policy Act and other applicable environmental laws.

**Project Title:** Land Use Authorization for the Pete Miller Road Bridge Seismic Retrofit Project

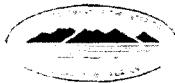
**Tracking Number:** CEC-13-002

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The Bureau of Reclamation’s NEPA Handbook provides guidance on the establishment of an Environmental Commitment Program (ECP) to meet the CEQ guidance. The ECP is a system designed to implement, monitor and evaluate the environmental commitments identified in the NEPA document. The commitments from the EA are summarized in the following ECP table.

Compliance with the commitments requires that the project proponent follows the project description described in the associated Categorical Exclusion. Please direct any questions or comments regarding the Environmental Commitment Program to the:

Supervisory Natural Resources Specialist  
Department of Interior, Bureau of Reclamation  
1243 "N" Street, Fresno, CA 93721  
(559) 487-5116



U.S. Department of the Interior  
Bureau of Reclamation  
Mid Pacific Region  
South-Central California Area Office  
Fresno, California

"EXHIBIT C"



<b>Project Title:</b> Land Use Authorization for the Pete Miller Road Bridge Seismic Retrofit Project <b>Tracking Number:</b> CEC-13-002 <b>Anticipated Project Start Date:</b> After issuance of land use authorization <b>Approximate Project Duration:</b> 6 months	<b>[Stanislaus County] Point of Contact:</b> Colt Esenwein, P.E., Public Works Deputy Director, 209-525-4184
<b>To be completed by Reclamation:</b> <b>Natural Resource Specialist:</b> Rain Emerson, (559) 487-5196, <a href="mailto:remerson@usbr.gov">remerson@usbr.gov</a> <b>Wildlife Biologist:</b> Shauna McDonald, (559) 487-5202 or <a href="mailto:smcdonald@usbr.gov">smcdonald@usbr.gov</a>	

Resource	Summary of Environmental Commitments	Timeframe for Implementation	Reclamation Verification of Compliance				
			Commitment Implementation Date	Verification Interval	Final Verification Date	Initials	Date of Verification
Biological Resources	A preconstruction survey of potentially suitable habitat shall be conducted by a qualified biologist to locate any active burrowing owl burrows within 500-feet of the construction sites. The survey shall also aim to identify if any other sensitive species that may have moved into the project area. The burrowing owl survey shall be conducted in accordance with the California Department of Fish and Game Staff Report on Burrowing Owl Mitigation <sup>1</sup> . Prior to any disturbance of a burrowing owl a Burrowing Owl Mitigation and Monitoring Report must be reviewed and approved by DFW (California Department of Fish and Wildlife <sup>2</sup> ).	Prior to construction	Prior to start of construction	Once	Prior to start of construction		
Biological Resources	All staging areas and borrow sites would be returned to preconstruction conditions.	After construction	End of Project	Once	End of Project		
Biological Resources	If work on or immediately adjacent to the bridge is planned to occur during the nesting season, measures shall be taken to avoid impacts to swallows. To protect swallows, unoccupied nests would be removed from the existing bridge structure prior to the nesting season (February 15 – September 1). During the nesting season, the bridge structure shall be maintained either through use of exclusion devices and/or the active removal of partially constructed nests. After a nest is	Between February 15 – September 1	Between February 15 – September 1	Once	September 1		

<sup>1</sup> California Department of Fish and Game . 2012. Staff Report on Burrowing Owl Mitigation. Sacramento, CA.

<sup>2</sup> Formerly the California Department of Fish and Game.

"EXHIBIT C"



<b>Project Title:</b> Land Use Authorization for the Pete Miller Road Bridge Seismic Retrofit Project <b>Tracking Number:</b> CEC-13-002 <b>Anticipated Project Start Date:</b> After issuance of land use authorization <b>Approximate Project Duration:</b> 6 months	<b>[Stanislaus County] Point of Contact:</b> Colt Esenwein, P.E., Public Works Deputy Director, 209-525-4184
<b>To be completed by Reclamation:</b> <b>Natural Resource Specialist:</b> Rain Emerson, (559) 487-5196, <a href="mailto:remerson@usbr.gov">remerson@usbr.gov</a> <b>Wildlife Biologist:</b> Shauna McDonald, (559) 487-5202 or <a href="mailto:smcdonald@usbr.gov">smcdonald@usbr.gov</a>	

Resource	Summary of Environmental Commitments	Timeframe for Implementation	Reclamation Verification of Compliance				
			Commitment Implementation Date	Verification Interval	Final Verification Date	Initials	Date of Verification
	completed, it can no longer be removed until nesting season is over. If active and occupied nests are discovered, disruptive work in proximity to the active nest would stop.						
Biological Resources	Erosion Control Measures for this project shall be designed to prevent the spread of invasive plant species. Landscaping designs for this project shall not contain invasive species in the plant selections or seed mixtures. Construction equipment shall be cleaned before mobilizing to arrive at the project site and before leaving the project site.	Prior to and during construction	Start of Project	Once	End of Project		
Biological Resources	Erosion Control Measures shall be implemented during construction. To minimize the mobilization of sediment to adjacent water bodies, the following erosion-control and sediment-control measures would be included in the Storm Water Pollution Prevention Plan (SWPPP) to be included in the construction specifications, based on standard County measures and standard dust-reduction measures. <ul style="list-style-type: none"> <li>• Soil exposure would be minimized through the use of temporary best management practices (BMPs), groundcover, and stabilization measures;</li> <li>• All stockpile areas within 200 feet of the canal would be surrounded by a filter fabric fence and interceptor dike. Side slopes shall not be</li> </ul>	During construction	Start of Project	Once	End of Project		

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	steeper than 2:1. <ul style="list-style-type: none"> <li>Where appropriate, bare areas would be covered with mulch and cleared areas would be revegetated with native species; and,</li> <li>The contractor shall conduct periodic maintenance of erosion- and sediment-control measures.</li> </ul>						
Biological Resources	To conform to water quality requirements, a SWPPP would be required, and would include the following: <ul style="list-style-type: none"> <li>Vehicle maintenance and staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants shall be outside of the Delta-Mendota Canal (DMC). Any necessary equipment washing shall occur where the water cannot flow into the DMC;</li> <li>Construction equipment would not be operated in flowing water;</li> <li>Construction work shall be conducted according to site-specific construction plans that minimize the potential for sediment input to the DMC;</li> <li>Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life shall be prevented from contaminating the soil or entering the DMC;</li> </ul>	Prior to and during construction	Start of Project	Once	End of Project		

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	<ul style="list-style-type: none"> <li>Equipment used in and around the canal shall be in good working order and free of dripping or leaking engine fluids; and,</li> <li>Any surplus concrete rubble, asphalt, or other rubble from construction shall be taken to an approved disposal site.</li> </ul>						
Biological Resources	Methods would be used during construction activities to ensure that bridge railing materials would not enter waters of the United States or State; no material shall be allowed to enter the waters of the United States or State during demolition or construction. These methods may include netting, scaffolding, or some other barrier to catch falling debris.	During construction	Start of Project	Once	End of Project		
Biological Resources	Where appropriate, the project boundaries including the temporary and permanent construction impact areas, shall be staked with an Environmentally Sensitive Area (ESA) fencing in order to contain construction activities. The staking and ESA fencing shall be done in coordination with a biologist, who is qualified and knowledgeable of biological resources in the action area.	Prior to and during construction	Start of Project	Once	End of Project		
Biological Resources	Project-related vehicles shall observe a 20-mph speed limit in all project areas, except on County roads and State and Federal highways; this is particularly important at night when San Joaquin kit foxes are most active. To the extent possible, night-time construction would be minimized. Off-road traffic outside of designated project areas shall be prohibited.	During construction	Start of Project	Once	End of Project		

"EXHIBIT C"

**RECLAMATION**  
*Managing Water in the West*

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Resource	Summary of Environmental Commitments	Timeframe for Implementation	Reclamation Verification of Compliance				
			Commitment Implementation Date	Verification Interval	Final Verification Date	Initials	Date of Verification
Biological Resources	Preconstruction surveys for San Joaquin kit fox shall be conducted no more than 30 days prior to the beginning of ground disturbance and/or construction activities.	Prior to construction	No more than 30 days before start of project	Once	Before Project starts		
Biological Resources	To prevent inadvertent entrapment of kit foxes and other wildlife during the construction phase of a project, all excavated, steep-walled holes or trenches more than two feet deep would be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the U.S. Fish and Wildlife Service (Service) and DFW would be contacted for advice.	During construction	Start of Project	Once	End of Project		
Biological Resources	San Joaquin kit foxes are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be capped or covered so that a kit fox cannot enter them.	During construction	Start of Project	Once	End of Project		
Biological Resources	All trash shall be kept in wildlife-proof receptacles, and no non-natural food or water would be left unattended for the duration of the project construction. All trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least	During construction	Start of Project	Once	End of Project		

"EXHIBIT C"



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	once a week from the project site.						
Biological Resources	No firearms shall be allowed on the project site.	During construction	Start of Project	Once	End of Project		
Biological Resources	To prevent harassment or mortality of wildlife by dogs or cats, no pets would be permitted on the project site.	During construction	Start of Project	Once	End of Project		
Biological Resources	An employee education program shall be conducted for construction personnel. The program shall consist of a brief presentation by persons knowledgeable in burrowing owl and San Joaquin kit fox and legislative protection to explain species concerns to contractors, their employees, and agency personnel involved in the project. The program shall include the following: a description of burrowing owls and San Joaquin kit fox and their habitat needs; a report of the occurrence of burrowing owls and San Joaquin kit fox near the project area; an explanation of the status of the species and its protection; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the above-mentioned	Prior to construction	Start of Project	Once	End of Project		

"EXHIBIT C"



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<b>To be completed by Reclamation:</b> <b>Natural Resource Specialist:</b> Rain Emerson, (559) 487-5196, <a href="mailto:remerson@usbr.gov">remerson@usbr.gov</a> <b>Wildlife Biologist:</b> Shauna McDonald, (559) 487-5202 or <a href="mailto:smcdonald@usbr.gov">smcdonald@usbr.gov</a>							
Resource	Summary of Environmental Commitments	Timeframe for Implementation	Reclamation Verification of Compliance				
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	people and anyone else who may enter the project site.						
<b>Funding:</b> The project proponent is responsible for all direct costs to implement, monitor and evaluate the environmental commitments described in the table. The project proponent is also responsible for the costs incurred by Reclamation staff to monitor and evaluate the environmental commitments.							