

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
BAY DELTA REGION
2825 CORDELIA ROAD, SUITE 100
FAIRFIELD, CA 94534



STREAMBED ALTERATION AGREEMENT
EPIMS-SJN-33299-R3
San Joaquin River

PORT OF STOCKTON
RAIL BRIDGE REPLACEMENT AND RAIL IMPROVEMENTS PROJECT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Port of Stockton (Permittee) as represented by Jason Cashman.

RECITALS

WHEREAS, pursuant to Fish and Game Code section 1602, Permittee notified CDFW on March 14, 2023, 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 at the San Joaquin River, in the County of San Joaquin, State of California; Latitude 37.948049, Longitude -121.337233; Assessor's Parcel Number 162-030-070-000.

PROJECT DESCRIPTION

The project is limited to replacement of a rail swing bridge between the Port of Stockton's East and West Complexes and construction of a new lead track and rail classification yard. See Exhibit A (Site Map). The purpose of the project is to replace the rail swing bridge and accommodate planned capacity needs of the rail infrastructure within the Port, to increase efficiency of train operations within the Port, and to support future increases in train volumes. All measures in this Agreement pertain only to the

work on the on the rail bridge over the San Joaquin River and adjacent levees. This Agreement does not authorize any activities associated with the new lead track and rail classification yard construction.

The project will remove the rail swing bridge that connects the Port of Stockton's East Complex and West Complex over the San Joaquin River and replace it with a double track rail removable span bridge in the same location. A total of 223 existing in-water 15-inch diameter creosote-treated timber piles will be removed (0.01 acre). Of these, 97 in-water piles are part of the existing bridge foundations, including 57 for the central swing pier and 20 for each of the two piers at either end of the steel truss span. The remaining 126 existing in-water piles are part of the swing span pier protection. See Exhibit B (Revised Site Plan).

Removal of piles and the existing concrete swing pier and abutments will be accomplished with a crane and vibratory hammer. If full pile removal is not possible with this method, removal will require use of a cofferdam in select areas (cofferdams will not be placed across the entire channel), and then piles will be cut a minimum of three feet below the mudline. Cofferdams will be installed by vibrating steel sheet piles into the substrate. Once each cofferdam is constructed, any fish located within the confines of the cofferdams will be collected and relocated, after which water will be removed from the cofferdam.

In addition to the in-water piles, there are 21 existing out-of-water timber piles. There are five piles at the eastern abutment and 16 piles at the western abutment that will be removed or cut a minimum of one foot below the ground line. Removal of the bridge abutments and associated piles will require work on the levees on either side of the existing rail swing bridge. The front slope of the levee will remain in place and rock slope protection (RSP) will be placed for slope protection. Levee access road locations will also need to be modified to accommodate the construction of new railroad crossings.

The proposed steel and concrete replacement rail removable span bridge will measure approximately 325 feet long. The central span will have a minimum closed vertical clearance of approximately 12 feet above the mean high water (MHW) surface. The existing single-track rail swing bridge will be replaced by two single-track rail bridges to create a double-track rail removable span bridge that has center spans that will be removable in case of an emergency. The replacement double-track rail swing bridge will consist of both structural steel and precast/prestressed concrete superstructures on concrete substructures. The bridge superstructure will be capable of being raised to a higher elevation at the end floor beams with hydraulic jacks, enabling installation of riser blocks on top of the pier caps.

The bridge foundations will be supported by nine 72-inch or twelve 60-inch cast-in-steel-shell (CISS) concrete piles permanently installed in-water (0.006 acre). Three 72-inch or four 60-inch, CISS concrete piles will be driven in upland locations for the on-bank piers (0.002 acre), and 16 steel H-piles or twelve 24-inch CISS concrete piles will be driven

for the abutments (0.001 acre). Approximately 96 temporary 24-inch-diameter steel pipe piles will be temporarily installed up to 80 feet deep for construction and removed immediately upon completion of the project (0.01 acre). In-water piles will be installed using either vibratory methods or an impact hammer with noise attenuation.

During the abutment removal and construction and the levee crown relocation work, three native trees with diameter at breast height (DBH) greater than 24 inches will be removed. These include one 40-inch Fremont's cottonwood, one 24-inch Oregon ash, and one 30-inch California black walnut. Also, up to four non-native trees with DBH of 3 inches or greater will be removed.

During pile installation, use of an impact hammer, rather than a vibratory hammer, may be required to avoid potential structural impacts to the adjacent existing rail bridge (which must remain in operation during construction of the new bridge) that could occur from vibratory installation of 72-inch piles. Piles smaller than 72-inches diameter will be installed with a vibratory hammer. Up to one pile will be installed every four days, only during daylight hours, for a maximum of 12 hours per day, over a work duration of approximately 24 days. During impact driving, there will be an estimated 1,250 strikes per day that will not occur in rapid succession, but in small periods of activity throughout full days of construction. Hydroacoustic impacts exceeding 182 decibels (dB) and 187 dB will occur over approximately 8 acres.

Cofferdams and Dewatering

Year 1: The following cofferdams may be needed to facilitate removal of the existing protection piles, install the pier and abutment foundations, install and remove piles for the temporary platform, and install other piles. See Exhibit C (Cofferdam Plan).

- One cofferdam covering an area of approximately 3,900 square feet may be placed around existing protection piles to the south of the existing bridge. This cofferdam will be installed if the contractor has difficulty removing the existing protection pile down to the required depth. If this cofferdam is installed, it will be removed at the end of construction during Year 2.
- Two additional cofferdams may be installed along each bank of the San Joaquin River. Both cofferdams will likely be above and below mean high water elevation. These cofferdams will be needed for pier and abutment foundation installation and will cover areas of approximately 1,100 and 1,600 square feet below mean high water, respectively. These cofferdams will be removed at the end of construction during Year 1.
- Approximately eight small cofferdams may need to be installed around each pier associated with the temporary work structure to install and remove temporary work structures piles. Each cofferdam will cover approximately 600 square feet (for a total of approximately 4,800 square feet). These cofferdams will only be used if the contractor has difficulty removing the piles without cofferdams. These

cofferdams, if needed, will remain in place until the end of construction during Year 2.

- Approximately four small cofferdams may need to be installed to facilitate new pile installation. Each cofferdam will cover approximately 120 square feet (for a total of approximately 480 square feet). These cofferdams, if needed, will remain in place until the end of construction during Year 1.

Year 2:

- No new cofferdams will be constructed in Year 2. The 3,900 square foot cofferdam (if needed) and eight small cofferdams (if needed) will be removed.

Year 3: The following cofferdams may be needed to remove the existing protection piles, remove and install piles for the temporary platform, remove bridge piers and install pier and abutment foundations, and install other piles during this phase:

- One cofferdam covering an area of approximately 3,800 square feet may be placed around the existing protection piles to the north of the existing bridge. This cofferdam will be installed if the contractor has difficulty removing the existing protection piles down to the required depth. It will be removed at the end of construction during Year 4.
- Approximately eight small cofferdams may need to be installed around each pier associated with the temporary work structure to remove the temporary work structure piles. Each cofferdam will cover approximately 600 square feet (for a total of 4,800 square feet). All of these cofferdams will be removed before the end of construction during Year 4. These cofferdams will only be used if the contractor has difficulty removing the piles without cofferdams.
- Two cofferdams covering areas of approximately 1,500 square feet and 1,100 square feet on each river bank below mean high water elevation may be needed to remove the existing bridge pier and install new pier and abutment foundations. These cofferdams will be removed at the end of construction during Year 3.
- One cofferdam covering an area of approximately 1,800 square feet may be needed around the center bridge pier for pile/pier removal. This cofferdam will be removed at the end of construction during Year 3.
- Approximately two small cofferdams will be installed to facilitate new pile installation. Each cofferdam will cover approximately 120 square feet (for a total of approximately 240 square feet). These cofferdams will be removed at the end of construction during Year 3.

Year 4:

- The 3,800 square foot cofferdam (if needed) and eight small cofferdams (if needed) installed during Construction Year 3 will be removed during Construction Year 4. Cofferdams may be used for the installation of RSP below mean high water on the east and west banks of the San Joaquin River. The cofferdams will cover approximately 6,000 square feet and will be removed at the end of construction during Year 4.

Approximately 31,120 square feet (0.71 acre) will be potentially occupied by cofferdams at various times throughout the maximum four-year construction period.

Levee Modifications

To construct the abutments on the levees on both the West and East Complexes and connect the tracks to the east and west, levee modifications will be required. Three to five steel H-piles or CISS piles will be driven per track, per abutment, through the levee at or near the crown. A portion of the back side of the levee may need to be reinforced with backfill behind the abutments, which will move the levee crown 25 to 30 feet back within the vicinity of the bridge. The excavation will be approximately 20 feet wide by 10 to 15 feet deep per track for each abutment. The levee will be rebuilt and reinforced after construction of the abutments is complete. Approximately 4,700 cubic yards of rock slope protection (RSP) will be replaced on the foreslope of the levee in front of the bridge abutments on both the east and west banks of the San Joaquin River. Of that amount, 2,580 cubic yards will be below the mean high water mark. Dimensions for the RSP will be approximately 160 feet in length, 55 feet in width, and 4.5 feet in thickness for the west abutment and approximately 160 feet in length, 42 feet in width, and 4.5 feet in thickness for the abutments. The total acreage of RSP being replaced is approximately 0.36 acre.

Equipment required to construct the project includes, but is not limited to, a pile-driving hammer, welder, plasma cutter, excavator, 180-ton and 300-ton cranes, bulldozer, roller, drill rig, dump truck, concrete pump truck, concrete trucks, concrete vibration equipment, and one or more lifts.

See Table 1 below for project impacts.

Table 1. Rail Bridge Replacement and Rail Improvements Project Impacts

Feature	Temporary Impact (acres)	Permanent Impact (acres)
Cofferdams	0.71	--
Pile installation	0.01	0.01
Hydroacoustic impact	8.00	--
Creosote pile removal		(+0.01)

Totals:	8.72	0.00
---------	------	------

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include:

- Green sturgeon (*Acipenser medirostris*)
- Central Valley steelhead (*Oncorhynchus mykiss*)
- Central Valley spring-run Chinook salmon (*O. tshawytscha*)
- Fall-run Chinook salmon (*O. tshawytscha*)
- Delta smelt (*Hypomesus transpacificus*)
- Longfin smelt (*Spirinchus thaleichthys*)
- Giant garter snake (*Thamnophis gigas*)
- Swainson's hawk (*Buteo swainsoni*)
- White-tailed kite (*Elanus leucurus*)
- Western pond turtle (*Emys marmorata*)
- Bats
- Marine mammals
- Nesting birds
- Water quality
- Shallow water habitat

The adverse effects the project could have on the fish or wildlife resources identified above include:

- Permanent loss of natural stream channel
- Temporary increased turbidity
- Short-term release of contaminants incidental to construction
- Temporary disruption to nesting birds and other wildlife
- Change in pH if concrete enters the water
- Temporary behavioral effects such as avoidance responses
- Dewatering
- Rewatering
- Increase of bank erosion during construction
- Creation of predatory fish habitat
- Hydroacoustic impacts to fish and marine mammals as a result of pile driving
- Temporary impediment of localized movement in the water column
- Temporary construction pits and trenches that can capture terrestrial organisms
- Soil compaction or other disturbance to soil layer

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. 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. 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 Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if 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 Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement. Permittee shall provide the necessary safety equipment that is required for site entry upon request from CDFW personnel.
- 1.5 Access to Property Not Owned by Permittee. This Agreement does not grant Permittee authority to enter, use, or otherwise encroach upon the property rights of individuals, or organizations not party to this Agreement. Permittee shall obtain written authorization from outside parties, in accordance with applicable laws, if access to property not owned by Permittee is necessary.
- 1.6 Prohibition on Take of Listed Species. This Agreement does not authorize the take or incidental take of any State or Federal listed threatened or endangered listed species. State Listed or Fully Protected Species includes any native plant species listed as rare under the Native Plant Protection Act (Fish & G. Code, § 1900 et seq.; Cal. Code Regs., tit. 14, § 670.2); any species that is listed or is a candidate for listing under the California Endangered Species Act (Fish & G. Code, § 2080 et seq.; Cal. Code Regs., tit. 14, §§ 670.2, 670.5); or any fully protected species (Fish & G. Code, §§ 3511, 4700, 5050, 5515). Any unauthorized take of listed species may result in prosecution and nullification of this Agreement.

2. Avoidance and Minimization Measures

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

Work Period

- 2.1 Seasonal Work Period. To minimize adverse impacts to fish and wildlife and their habitats, all project activities shall be limited to the period between July 1 to November 30. Preparation activities in paved, staging areas may occur outside of the July 1 to November 30 seasonal work period only with CDFW written approval of plans for erosion control, hazardous materials containment and spill prevention [Measures 2.27 – 2.30 (Erosion Control), Measure 2.38 (Emergency Spill Response Plan), and Measure 2.40 (Spill of Material Deleterious to Fish, Wildlife or Plants)]. The in- and over-water pouring or use of concrete products (including grouting, pumping concrete, and curing of fresh concrete) shall be limited to the period between July 1 and September 30.
- 2.2 Daily Work Window. Permittee shall terminate all project activities covered under this Agreement 30 minutes before sunset and shall not resume until 30 minutes after sunrise unless otherwise by the Qualified Biologist. Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for the geographic area: [US Navy Astronomical Applications \(navy.mil\)](https://www.navy.mil/USNAstronomicalApplications).
- 2.3 Work in Dry Weather Only. Work within and adjacent to the river shall be restricted to periods of low rainfall (less than 0.1 inch per 24-hour period). Precipitation forecasts and potential increases of stream flow shall be considered when planning construction activities. Construction activities shall cease and all associated erosion control measures shall be in place at least 12 hours prior to the onset of precipitation to prevent leakage of concrete or other construction material from entering the river. No work shall occur during a precipitation event. Construction activities halted due to precipitation may resume when precipitation ceases, the National Weather Service 72-hour weather forecast indicates a 30% or less chance of precipitation, and after a dry-out period of 48 hours for rain events (i.e., 0.25 inches within a 24-hour period). The National Weather Service forecast can be found at: <http://www.weather.gov>.

Biological Monitoring

- 2.4 Qualified Biologist. At least 30 days prior to initiating wildlife surveys within the project site, Permittee shall submit the names and resumes of all biological personnel involved in conducting survey and/or monitoring work to CDFW for review and written approval. Permittee shall use Exhibit D (Biologist Resume Form) or another format containing the same information. Biological personnel are defined under this Agreement as follows:

- 2.4.1 A Qualified Biologist is an individual who shall have a minimum of five years of academic training and professional experience in biological sciences and related resource management activities with a minimum of two years' experience conducting surveys for each species that may be present within the project area.
- 2.4.2 A Biological Monitor is an individual who shall have a minimum of two years of academic and professional experience in biological sciences and related resource management activities relevant to this project, has experience with construction level biological monitoring, the ability to recognize species in the project area, and who is familiar with the habits and behavior of those species.
- 2.5 Biological Monitoring. A Qualified Biologist shall be on-site for the entirety of the project portions specified in Measure 2.6 (Qualified Biologist and Biological Monitor On-site Monitoring Requirements). For the remainder of the project, a Biological Monitor shall be on site at all times. The Qualified Biologist shall be made available to arrive on site within one (1) to two (2) hours when not required on-site by the terms of this Agreement. If the Qualified Biologist appoints a Biological Monitor to oversee work activities, the Biological Monitor shall have training in avoidance and minimization measures specific to special-status species potentially present at the site. At a minimum, the Biological Monitor shall have attended the training specified in this Agreement. If asked by CDFW or another agency, the Biological Monitor shall be able to demonstrate familiarity with the terms and conditions of this Agreement.
- 2.6 Qualified Biologist On-Site Monitoring Requirements. A Qualified Biologist shall be present at the project site during all project related activities including but not limited to: tree removal, embankment clearing for abutment construction, excavation, and embankment backfilling; cofferdam installation, dewatering, and removal; impact hammer pile driving and pile proofing; nest monitoring (if necessary); marine mammal monitoring; and special status species relocation events (if necessary). Biological Monitors shall be on-site including, but not limited to: daily clearance surveys; piling and rail bridge removal; concrete work within 150 linear feet from the water's edge; ongoing ground disturbance activities; inspection of pipes, hoses, or other construction-related objects that could shelter wildlife; ensuring proper placement and inspection of best management practices for erosion control; monitoring hazardous materials adjacent to, on, or over the channel; and at any time that the Qualified Biologist deems the presence of a Biological Monitor necessary.
- 2.7 General Cease Operations Authority. The Qualified Biologist or Biological Monitor shall have independent authority to stop any and all work if any special-status species enters the project area, if project activities pose imminent threat to fish and

wildlife resources, or if project activities are out of compliance with the measures outlined in this Agreement. If a special-status species is observed within the project site, then all work shall halt and not continue until the wildlife leaves the area on its own accord. The appropriate distance shall be determined by the Qualified Biologist and/or Biological Monitor at the time of discovery. The Qualified Biologist or Biological Monitor shall identify the animal to species and include the record of detection in the daily monitoring log.

If the Qualified Biologist or Biological Monitor witnesses a violation of this Agreement, they shall contact CDFW immediately. Permittee shall not enter into non-disclosure agreements with biological staff or otherwise implement penalties or disincentives restricting direct communication with CDFW. Failure to consult immediately with CDFW on violations shall constitute grounds for CDFW to revoke the Biologist's monitoring authority and require Permittee to stop work until another Biologist has been approved.

- 2.8 Education Program. Permittee shall conduct an in-person 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 Qualified Biologist that includes a discussion of the biology of the habitats and species identified in this Agreement and present at this site. The Qualified 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 protection measures included in this Agreement. Permittee 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. Upon completion of the program, employees shall sign a form stating that they attended the program and understand all protective measures.

General Wildlife Protection

- 2.9 Harassment of Animals. No project personnel or motorized equipment shall harass, herd, or drive off any wildlife. Harass is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding, or sheltering. Project personnel and equipment shall not cause displacement of wildlife into roadways or open areas lacking cover from aerial predators.
- 2.10 Daily Clearance Surveys. Each day, prior to initiation of project activities, a Qualified Biologist or Biological Monitor shall inspect the project work area, staging/stockpiling area and all equipment and vehicles to ensure wildlife incidentally trapped due to project activities are allowed to escape. If the Qualified Biologist or Biological Monitor determines that sensitive species are not present within the work area, work may commence.

- 2.11 Habitat Protection. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project. Vegetation outside the construction corridor shall not be removed or damaged without prior consultation and approval of CDFW.
- 2.12 Open Pipes Restriction. All pipes, culverts, or similar structures with an opening that is four (4) inches or greater in diameter and are staged or stored at the site for one (1) or more overnight periods shall be securely capped on both ends prior to storage, when feasible, and thoroughly inspected for wildlife by the Qualified Biologist or Biological Monitor prior to utilization. All hollow pipes or posts installed as part of the project and exposed to the environment at a positive angle shall be capped, screened, or filled with material by Permittee prior to the end of the workday in which the installation occurs.
- 2.13 Open Trenches. Any open trenches, pits, or holes, or other excavations into which wildlife may fall or become trapped shall be covered at the conclusion of work each day with a hard, non-heat conductive material (e.g., plywood). Netting, canvas, or material capable of trapping or ensnaring wildlife shall not be used to cover open trenches. If use of a hard cover is not feasible, wildlife escape ramps shall be installed as determined by the Qualified Biologist at the end of each workday. Prior to the initiation of construction each day and prior to the covering of trenches, holes, or pits at the conclusion of work each day, the Qualified Biologist or Biological Monitor shall inspect them for wildlife. If the wildlife is a special-status species that does not leave of its own volition, consultation with CDFW is required before work can be continued.
- 2.13.1 To avoid impact to any non-listed terrestrial wildlife species, a Qualified Biologist shall inspect the work site prior to any project activities. Any individuals found shall not be harassed and shall be allowed to leave the project site unharmed. If needed, a Qualified Biologist may guide, handle, or capture an individual non-listed wildlife species to move it to a nearby safe location within nearby refugium, or it shall be allowed to leave the project site of its own volition. Capture methods may include hand, dip net, lizard lasso, snake tongs, and snake hook. If the wildlife species is discovered or is caught in any pits, ditches, or other types of excavations, the Qualified Biologist shall release it into the most suitable habitat near the site of capture.
- 2.14 Fence and Signpost Restriction. Any fencing posts or signs installed, temporarily or permanently, throughout the course of the project shall be designed to be wildlife friendly (e.g., smooth top and bottom wires, six (6) inches above grade), have the top capped, and have the top three post holes covered or filled with screws or bolts to prevent snaring wildlife.
- 2.15 Location of Spoil Sites. Spoil sites shall not be located where spoils may be washed back into the creek channel, wetland, or within any potential special-status

species habitat throughout the project site. Spoils piles shall be placed away from concentrated ground squirrel, gopher, and or other small mammal burrows or habitat features suitable for use as refugia habitat.

Special-status and Sensitive Species Assessment and Avoidance Measures

- 2.16 Western Pond Turtle. To avoid impacts to western pond turtles, the Qualified Biologist shall inspect the work area and upland areas adjacent to the work area prior to mobilization of excavation equipment each day in which project activities occur. If western pond turtles are found during project activities, the Qualified Biologist shall stop work and the individual(s) shall be allowed to leave the area of its own accord. If the western pond turtle does not leave of its own accord, the Qualified Biologist may move the western pond turtle to a safe area downstream of the project site. All relocation events shall be reported to CDFW within 24 hours and be included in the annual project report. Capture methods may include hand and dip net.
- 2.17 Giant Garter Snake Preconstruction Surveys. Within 48 hours prior to the commencement of ground-disturbing activities, areas within 200 feet of potential aquatic habitat for giant garter snake shall be surveyed by the Qualified Biologist. The Qualified Biologist shall survey areas of planned ground disturbance for burrows, soil cracks, and crevices that may be suitable for use by giant garter snake within potential terrestrial habitat. Any identified burrows, soil cracks, crevices, or other habitat features will be flagged or marked by the Qualified Biologist (identified as biologically sensitive areas). These biologically sensitive areas will be avoided to the maximum extent feasible. If a lapse in project-related work of 14 days or longer occurs, surveys for soil cracks and similar features shall be repeated by the Qualified Biologist. If giant garter snake is found at the project site, the Qualified Biologist shall be available throughout the construction period and shall conduct weekly monitoring visits to ensure avoidance and minimization measures are being properly implemented. Survey results shall be provided to CDFW per Reporting Measure 4.3 (Biological Preconstruction Surveys).
- 2.18 Preconstruction Surveys and Nest Buffers for Swainson's Hawk. If project activities will either begin or be re-initiated during the breeding season (March 20 to September 15), surveys for Swainson's hawks and their nests shall be conducted by the Qualified Biologist prior to the beginning of project-related activities. Results of the survey shall be provided to CDFW per Reporting Measure 4.3 (Biological Preconstruction Surveys) Surveys shall be conducted in a manner consistent with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>). Surveys shall cover a minimum of two survey periods with the minimum number of surveys prior to project initiation as follows:
- January to March 20 – survey all day for raptor nests, for a minimum of one survey.

- March 20 to April 5 – survey from either sunrise to 1000 or 1600 to sunset, for a minimum of three surveys.
- April 5 to April 20 – survey from either sunrise to 1200 or 1630 to sunset for a minimum of three surveys.

An alternative methodology may be approved by CDFW specific to work within the project area.

2.18.1 If a lapse in project-related work of seven days or longer occurs within the nesting season, then a focused all-day survey shall be performed, and the results shall be sent to CDFW prior to resuming work. Surveys shall be conducted in work areas, staging and storage areas, and access routes.

2.18.2 If any active Swainson's hawk nests are found within ½-mile of a project site, an avoidance buffer of ¼-mile in urban areas or a ½-mile buffer in non-urban areas shall be implemented from March 20 to September 15, or until the young fledge, unless otherwise approved in writing by CDFW.

2.19 Nesting Bird Surveys. If equipment staging, site preparation, grading, excavation, or other project-related activities are scheduled during the nesting season (February 15 through September 15) of protected raptors and other avian species, a focused survey for active bird nests shall be conducted by the CDFW-approved Qualified Biologist within seven days prior to the beginning of project activities and if there is a five day or more lapse in project activities. Surveys shall be conducted throughout the project site, in staging, storage, and soil stockpile areas, and along transportation routes. The methodology and results of the survey shall be sent per Reporting Measure 4.3 (Biological Preconstruction Surveys) within seven days of survey completion and prior to project commencement. The minimum survey radii surrounding the work area shall be the following: i) 250 feet for non-raptors and ii) 1,000 feet for raptors. Surveys shall be conducted at the appropriate time of day and during appropriate nesting times and shall concentrate on areas of suitable ground- and tree-nesting habitat.

2.20 Bird Nest Protection. If active bird nests are found, the Qualified Biologist shall establish an appropriate buffer to comply with Fish and Game Code 3503. The buffer area(s) shall be fenced off from work activities and avoided until the young have fledged, as determined by the Qualified Biologist. The Qualified Biologist shall document preconstruction baseline monitoring of the nest to characterize "normal" bird behavior. The Qualified Biologist shall monitor the nesting birds daily throughout the duration of project activities and shall increase the buffer until no further interruptions to behavior are detectable if they determine the birds are showing signs of unusual or stressed behavior by project activities. Abnormal

nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The Qualified Biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established. To prevent encroachment, the established buffer(s) shall be clearly marked for avoidance. The established buffer(s) shall remain in effect until the young have fledged or the nest has been abandoned as confirmed by the Qualified Biologist. Signs of nest abandonment, as determined by the CDFW-approved Qualified Biologist, shall be reported to CDFW within 24 hours. Notification shall be made to Andrea Boertien by email at Andrea.Boertien@wildlife.ca.gov.

2.21 **Bats.** For all project activities planned in potential bat roosting habitat such as bridges and/or involving woody vegetation modification or removal of any and all trees, the Qualified Biologist shall conduct daytime and evening acoustic surveys in addition to extensive visual surveys for bats and potential habitat for bats at least 14 days prior to initiation of construction activities. If bats are found on-site, the Qualified Biologist shall identify the species, estimated quantity present, roost type, and roost status, but shall avoid disturbing bats during surveys. Permittee or the Qualified Biologist shall notify CDFW within 24 hours if bats are found during surveys. /The Qualified Biologist shall submit a Bat Mitigation and Monitoring Plan at least seven days prior to the start of project activities for CDFW review and written approval. Project activities may not start until CDFW written approval has been provided to Permittee. Permittee shall upload the Bat Mitigation and Monitoring Plan to the EPIMS data portal, referencing Notification Number EPIMS-SJN-33299-R3. The Bat Mitigation and Monitoring Plan shall include: (1) an assessment of all project impacts to bats, including noise disturbance during construction; (2) effective avoidance and minimization measures to protect bats; (3) compensatory mitigation for permanent impacts to maternity roosts if impacted. Upon CDFW written approval, the Bat Avoidance and Monitoring Plan shall be considered part of this Agreement. Non-maternity roost trees slated for removal shall be removed in accordance with the following methodology:

2.21.1 To ensure that bats have left potential roosting trees, trees 24 inches DBH and greater shall be removed over the course of two days. On the first day, limbs from the identified trees shall be removed in the late afternoon. This disturbance should cause potentially roosting bats to seek other roosts during their nighttime foraging. The remainder of the tree can then be removed on the second day as late in the afternoon as feasible. If bats are found injured, or if bat mortality occurs during the course of tree removal, the Qualified Biologist shall immediately notify CDFW of the event, the species recorded, and the number of individuals documented.

2.21.2 Tree limbing or removal shall not be performed under any of the following

conditions: a) during any precipitation events, b) when ambient temperatures are below 4.5 degrees Celsius, c) when windspeeds exceed 11 miles per hour, and/or d) any other condition which may lead to bats seeking refuge.

- 2.22 Marine Mammal Exclusion Zones. An exclusion zone around each in-water pile shall be implemented to prevent harassment to marine mammals. The exclusion zone shall measure, at minimum, 3 meters for sea lions and 38 meters for seals.
- 2.23 Marine Mammal Avoidance. The exclusion zones in Measure 2.22 (Marine Mammal Exclusion Zones) shall be monitored by the Qualified Biologist or Biological Monitor from the best vantage point (e.g., shore, a boat) for 30 minutes prior to any pile removal and during all pile driving-related or removal activities to ensure that the area is clear of any marine mammals. If an individual is observed, pile removal or pile driving will not commence until the individual has left the exclusion zones for a minimum of a 15-minute period. If a marine mammal enters the exclusion zones then all in-water activities shall stop until the individual leaves the exclusion zone. Work shall not recommence for 15 minutes after the marine mammal has left the exclusion zone.
- 2.24 Special-status Plants. For all project activities with anticipated temporary or permanent impacts to vegetation, a Qualified Botanist shall conduct surveys for special-status plants within the appropriate blooming periods prior to commencement of project activities in accordance with CDFW's *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities*, dated March 20, 2018 and available online at: [Survey and Monitoring Protocols and Guidelines \(ca.gov\)](https://www.cdffw.gov/Portals/0/Protocols%20for%20Surveying%20and%20Evaluating%20Impacts%20to%20Special-Status%20Native%20Plant%20Populations%20and%20Natural%20Communities.pdf). If a special-status plant (or stand of special-status plants) is discovered on-site, Permittee shall notify CDFW within 24 hours. No activities with potential to impact special-status plants shall occur until CDFW is notified and written concurrence is provided for those activities to begin.
- 2.25 Protection of Riparian Trees. Each tree to be removed will be clearly marked. For each existing tree greater than four (4) inches DBH within or adjacent to the project site that will remain, a critical root zone shall be established. The critical root zone shall extend from the trunk to the dripline (i.e., the outer extent of the tree canopy) of each tree within the project site and shall be flagged or fenced off from work. Protection and avoidance of critical root zones shall be made a point of discussion during the on-site education program to avoid impact. No work shall be conducted within the critical root zone of any trees to remain, unless explicitly authorized in writing by CDFW.
- Trees with critical root zones impacted by project activities shall be subject to monitoring for signs of mortality as a result of project activities for a period of one (1) year. If impacted trees become injured or show signs of reduced vigor, then compensatory actions shall be required per Compensatory Measure 3.5 (Riparian Tree Mitigation).

- 2.26 Notification of Injury or Mortality. If any special-status species are found dead or injured during construction-related actions or any other project-related actions in the area of the project site, the Qualified Biologist shall provide written notification within 24 hours to CDFW by emailing CDFW Environmental Scientist Andrea Boertien, at Andrea.Boertien@wildlife.ca.gov, and upload the communication to the EPIMS data portal, referencing Notification Number EPIMS-SJN-33299-R3. The initial notification to CDFW shall include information regarding the location, species, and number of animals injured or killed. Following initial notification, Permittee shall send CDFW a written report within three 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 the cause of injury or mortality, and any other pertinent information. The purpose of the contact with CDFW is to review the activities resulting in take and to determine if additional protective measures are required.

Erosion Control for Water Quality

- 2.27 Erosion Control Best Management Practices (BMPs). Erosion control best management practices (BMPs) shall be implemented for the project. All exposed soils within the work area shall be stabilized immediately during project activities, or prior to precipitation events to prevent erosion of soil or construction materials (such as concrete) into the river. Erosion control measures, such as silt fences, straw wattles, gravel- or rock-lined ditches, water check bars, and broadcasted straw, or other appropriate materials, shall be used. Erosion control measures shall be monitored during and after each precipitation event for effectiveness. Modifications, repairs and improvements to erosion control measures shall be made as needed to protect water quality and are not subject to work window requirements. At no time shall silt-laden or contaminated runoff be allowed to enter the channel or directed to where it may enter the channel.
- 2.28 Erosion Control Material Limitation. To minimize the risk of ensnaring snakes and other wildlife, Permittee shall not use erosion control materials containing synthetic (e.g., plastic or nylon) monofilament netting or cross joints in the netting that are bound/stitched. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as coconut (coir) fiber, or other products without welded or tight weaves.
- 2.29 Runoff from Steep Areas. Permittee shall ensure that runoff from steep, erodible surfaces is diverted into stable areas with little erosion potential, or is contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be properly placed and maintained at all times until the threat of erosion ceases.
- 2.30 Containment. Netting, sandbags, tarps, or other barriers shall be placed around the staging areas and under the bridge as feasible to prevent debris and runoff from

entering the river. If any debris or trash enters the water, it shall be retrieved immediately for proper handling and disposal.

Equipment and Vehicles

- 2.31 Staging and Preparation. If the Permittee elects to begin staging and preparation outside of the seasonal work window of July 1 to November 30, the following conditions shall be met:
- 2.31.1 All materials necessary to contain spills shall be kept onsite at all times while project construction activities are occurring [see Measures 2.38 (Emergency Spill Response Plan), 2.39 (Spill Containment and Spill Kits), and 2.40 (Spill of Material Deleterious to Fish, Wildlife and Plants)].
 - 2.31.2 All hazardous materials shall be contained. Permittee shall install all necessary containment structures to control placement of any hazardous materials, including wet concrete, to prevent materials from entering the channel outside of those structures. When pouring wet concrete and working with wet concrete, there shall be a Qualified Biologist or Biological Monitor to inspect the containment structures to ensure no concrete or other debris enters the channel outside of those structures. Containment efforts shall adhere to the Emergency Spill Response Plan required by Measure 2.38.
 - 2.32.3 Staging and preparation activities shall be confined to previously disturbed surfaces at least 150 feet away from the channel.
- 2.32 Staging Areas and Equipment. Staging areas shall be located in a dry upland location, 150 linear feet or more from above the top of bank and proper measures shall be installed to avoid runoff into the channel. Staging areas shall be within a paved, gravel-lined, or previously disturbed site. Any equipment or vehicles driven and/or operated in proximity of the river shall be checked daily and maintained in good working order to prevent the release of contaminants that, if introduced to water, could be deleterious to aquatic life, wildlife, or riparian habitat. If a vehicle is found to be leaking fluids of any kind, it shall be removed to an off-site location immediately. Terrestrial vehicles shall be moved away from the river and into staging areas prior to refueling and lubrication.
- 2.33 Decontamination. Any equipment that will contact the water during project activities shall be decontaminated prior to arriving on the project site, after the project is finished, and any time project equipment leaves and returns to the site to prevent the spread of aquatic diseases and invasive aquatic species to other waterways. Workers shall also decontaminate waders, boots, and other clothing that will come in direct contact with the water prior to arriving on the project site, after the project is finished, and any time work apparel is used off-site and is to be used on the project site again. Decontamination of clothing and equipment shall be done

according to the following methodology: [CDFW Aquatic Invasive Species Decontamination Protocol 2022 \(ca.gov\)](#).

- 2.34 Stationary Equipment Leaks. Permittee shall ensure that stationary equipment such as motors, pumps, and generators are located within or adjacent to the river are positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill or leak. Hydraulic attachments shall be placed on plywood or another non-porous surface and covered with plastic or comparable material prior to the onset of rain to prevent “run-on” and runoff.

Hazardous Materials

- 2.35 Hazardous Materials. Debris, rubbish, creosote-treated wood, uncured concrete, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, wildlife, or riparian habitat resulting from project-related activities shall not contaminate the soil or enter waters of the State. Any hazardous or toxic materials that could be deleterious to aquatic life that could be washed into State waters shall be contained in water tight containers or removed from the project site.
- 2.36 Removal of Construction Waste. Permittee shall remove construction materials and wastes from the project site following the completion of project activities. Food-contaminated wastes generated during construction shall be disposed of in securely closed containers and removed at least once a week to avoid attracting predators to the work sites. All temporary fences, barriers, and/or flagging shall be completely removed from work sites and properly disposed of upon completion of maintenance activities. Permittee or its contractors shall not dump any construction debris or litter within the river.
- 2.37 Containment Boom. A floating containment boom shall be immediately available to surround work areas outside of the cofferdams to contain and collect any construction debris during bridge demolition, bridge construction, and pile removal. All construction-related debris shall be retrieved and disposed of properly. If debris enters the water, personnel in workboats shall immediately retrieve the debris for proper handling and disposal.
- 2.38 Emergency Spill Response Plan. An emergency response plan shall be prepared and submitted to CDFW prior to the start of project work. The plan shall be limited to three pages in length and may be presented in prose, table, or bulleted list format. The plan shall identify the actions which would be taken in the event of a spill of concrete, grout, cementitious products, petroleum products, sediment, or any other material deleterious to fish, wildlife, plant resources, or their habitats. The plan shall also identify all emergency response materials which shall be kept at the site to allow the rapid containment and clean-up of any spilled material. Permittee shall upload the Emergency Spill Response Plan to the EPIMS data portal, referencing Notification Number EPIMS-SJN-33299-R3.

- 2.39 Spill Containment and Spill Kits. All activities performed in or near State waters shall have absorbent materials designated for hazardous materials spill containment and cleanup activities on-site for use in an accidental spill. Permittee shall immediately initiate the cleanup activities in the event of a hazardous materials spill. Prior to entering the work site, all field personnel shall know the location of spill kits and be trained in their appropriate use.
- 2.40 Spill of Material Deleterious to Fish, Wildlife and Plants. Permittee and all contractors shall be subject to the water pollution regulations found in FGC Sections 5650 and 12015. In the event of a hazardous materials spill into the stream (e.g., grout, concrete, epoxy, etc.), Permittee shall immediately notify the California Office of Emergency Services State Warning Center by calling 1-800-852-7550 and immediately provide written notification to CDFW by emailing CDFW Environmental Scientist Andrea Boertien, at Andrea.Boertien@wildlife.ca.gov.

Permittee shall take all reasonable measures to document the extent of the impacts and affected areas including photographic documentation of affected areas, injured fish and wildlife. If dead fish or wildlife are found in the affected area, Permittee shall collect carcasses and immediately deliver them to CDFW. Permittee shall meet with CDFW within 10 days of the reported spill in order to develop a resolution including: site clean-up, site remediation, and compensatory mitigation for the harm caused to fish, wildlife, and the habitats on which they depend as a result of the spill. Permittee shall be responsible for all spill clean-up, site remediation, and compensatory mitigation costs. Spill of materials to waters of the State that are deleterious to fish and wildlife are in violation of Fish and Game Code Section 5650 et seq., and are subject to civil penalties for each person responsible. CDFW reserves the right to refer the matter to the District Attorney's Office if a resolution cannot be agreed upon and achieved within a specified timeframe, generally six months from the date of the incident.

- 2.41 Containment of Concrete Leachate and Runoff. Containment of leachate and runoff from concrete, cementitious products and grout shall, at minimum, adhere to the following best management practices:
- 2.41.1 Any and all concrete surfaces that may come in direct contact with the river shall be poured 30 days prior to the authorized work period final date. Permittee shall notify CDFW 14 days prior to the final date of allowed work if work is to exceed that final date.
- 2.41.2 Unsealed structures shall be allowed to cure (dry) for at least 28 days before rain or other water sources are introduced.
- 2.41.3 To shorten the curing period, Permittee may use a non-toxic sealant designed for use in aquatic environments. Prior to use, Permittee shall submit the product safety data sheet, including information about environmental toxicity, to CDFW for review and approval. If a sealant is to

be applied, concrete structures shall be allowed to cure for at least seven days prior to application and for an additional three days following application of the sealant before flows are reintroduced.

- 2.41.4 Concrete washout shall occur in a designated and appropriately prepared area set back at least 100-feet from the river. Washdown water from concrete delivery trucks, concrete pumping equipment, and other tools and equipment shall not be allowed to enter the river and should be removed from the site for treatment following work. Concrete washout facilities should be inspected daily and after heavy rains to check for leaks, identify any plastic linings and sidewalls have been damaged by construction activities, and determine whether they have been filled to over 75 percent capacity. When the washout container is filled to over 75 percent of its capacity, the washwater should be vacuumed off or allowed to evaporate to avoid overflows. No dry concrete shall be placed on the banks or in a location where it could be carried into the river or contaminate the soil by wind or runoff.

Rock Slope Placement (RSP)

- 2.42 RSP Acceptable Practices. RSP shall consist of clean rock, competent for the application, sized, and properly installed to resist washout. Slopes with RSP shall be supported with competent boulders keyed into a footing trench with a depth sufficient to properly seat the footing comprised of coarse boulders and prevent instability. Slopes with RSP and footing trenches shall feature an underlayment of appropriate grade geo-textile fabric on slopes less than 1:1, or gravel blanket on slopes greater than 1:1. The RSP shall be placed in a smooth curve along the natural bank alignment, shall not project out into the channel beyond the limits of the natural bank, and shall not include any “barbs” or “groins”, or other features which will deflect flow against the opposite bank, or cause the formation of downstream eddies. Any other bank stabilization method is subject to CDFW review and written approval.
- 2.43 RSP Materials. No broken concrete, asphalt, or other construction waste materials shall be used as RSP for bank stabilization.
- 2.44 No Grouting of RSP. Permittee shall not apply grout, cement, or mortar to RSP.

Water Diversion and Associated Wildlife Salvage

- 2.45 Dewatering Plan. Permittee shall provide a comprehensive dewatering plan to CDFW for review and approval at least 60 days prior to beginning any work on the project. Permittee shall upload the Dewatering Plan to the EPIMS data portal, referencing Notification Number EPIMS-SJN-33299-R3.

- 2.46 Cofferdams. To isolate the work areas, water-tight cofferdams shall be constructed. Cofferdams shall be constructed of a non-erodible material which does not contain soil or fine sediment. The cofferdam shall be installed during periods of low flow to reduce the potential for the presence of aquatic species within the work area. The cofferdams shall remain in place and functional throughout the construction period. If the cofferdams fail, they shall be repaired immediately. All materials used in cofferdam construction shall be removed from the project once the cofferdams are no longer needed. The minimum footprint feasible for cofferdam placement shall be utilized to lessen the impact to flow within the channel.

Prior to the start of project activities within the river, Permittee shall divert flowing channel water around or through the project site and project activities shall be isolated from the stream flows. To isolate the project sites, water-tight cofferdams shall be constructed upstream and downstream. Flows will be diverted around isolated work areas either by gravity flow or, if necessary, by pumping water around the work area. Extensions may be requested in writing to CDFW and granted upon a case-by-case basis at the discretion of CDFW. Any dewatering plan submitted to CDFW for approval shall incorporate, at minimum, the following conditions:

- 2.46.1 Pump Screens. The suction end of intake pipes shall be fitted with fish screens meeting CDFW criteria to prevent entrainment or impingement of small fish and amphibians. CDFW fish screen criteria can be found at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=22672>. Any turbid water pumped from the work site itself to maintain it in a dewatered state shall be disposed of in an upland location where it will not drain directly into the river.
- 2.46.2 Daily Cofferdam Checks for Stranded Aquatic Life. During the period of active dewatering, the Biological Monitor shall check daily for stranded aquatic life as the water level in the dewatering area drops and until active dewatering ceases. If any special-status species are found within the dewatering area the Biological Monitor shall immediately contact the Qualified Biologist for relocation of fish or amphibians. A CDFW-approved biologist shall be present to capture and relocate fish that may become visible behind the cofferdams as water level drops.
- 2.46.3 Fish Relocation Plan. A Fish Relocation Plan shall be developed and submitted for CDFW written approval at least 60 days prior to initiation of project-related activities. All stranded aquatic life in the dewatered areas shall be immediately relocated to suitable habitat. Permittee shall upload the Fish Relocation Plan (Exhibit F) to the EPIMS data portal referencing Notification Number EPIMS-SJN-33299-R3. Capture methods may include fish landing nets, dip nets, buckets, and by hand. Captured aquatic life

shall be released immediately in the closest body of water adjacent to the work site. This measure does not authorize the take or disturbance of any State or federally listed species. If take of listed species is expected to occur as a result of project related activities, Permittee may apply for an Incidental Take Permit to avoid delays or interruptions to the project schedule.

2.46.4 Cofferdam Bypass Flows. When bypassing stream flow around the project site, stream flows downstream of the dewatered area shall be maintained at the same rate and volume as unimpeded flows upstream at all times.

2.46.5 Cofferdams and Work Area Seepage. The project site shall be periodically pumped dry of seepage. Permittee shall place pumps in flat areas, away from the stream channel. Pumps shall be secured to prevent movement by vibration. Pump intakes shall be covered with 0.125-inch mesh to prevent entrainment of wildlife that failed to be removed. Pump intakes shall be periodically checked for impingement of wildlife that shall be relocated according to the approved measures outlined for each species below.

2.47 Dewatering – Water Quality and Flow. Permittee shall divert flow in a manner that prevents turbidity, siltation, or pollution and provides flows to downstream reaches. Flows shall be of sufficient quality and quantity to support fish and other aquatic life in good condition both upstream and downstream of the cofferdams. Normal flow shall be restored to the affected stream immediately upon completion of work at that location.

2.48 Relocation of Fish, Amphibians, and Reptiles. During the deployment of the cofferdam/flow diversion, the Qualified Biologist shall capture and relocate native fish, amphibian, and reptile species as needed. Measures shall be taken to avoid harm and mortality resulting from relocation activities, as follows:

2.48.1 Relocated Aquatic Wildlife Records. Relocated species shall be moved to the nearest appropriate release location(s) outside of the project site. A record shall be maintained of all relocated wildlife. The record shall include the date of capture and relocation, the method of capture, the location of the relocation site in relation to the project site, and the number and species captured and relocated. The record shall be provided to CDFW within two weeks of the completion of the seasonal work period or project activities, whichever comes first. Permittee shall upload the relocated aquatic wildlife records to the EPIMS data portal, referencing Notification EPIMS-SJN-33299-R3.

2.48.2 Release Locations Criteria. Prior to capturing aquatic wildlife, the most appropriate release location(s) shall be determined, using the following criteria: (1) water temperature shall be similar as the capture location;

(2) there shall be ample habitat for the captured species; (3) relocation areas must be in proximity to the capture site, contain potential habitat, and not be affected by project activities. There shall be a low likelihood for aquatic wildlife to reenter the work site or become impinged on exclusion fencing, nets, or screens.

2.48.3 Wet Hands and Nets. Handling of fish, amphibians, and reptiles within the project site shall be minimized. However, when handling is necessary, the Qualified Biologist shall always wet hands or nets prior to touching species for relocation.

2.48.4 Relocate During Cool Temperatures. The Qualified Biologist shall conduct relocation activities in the morning when the temperatures are cooler.

2.48.5 Restore Natural Flows. Permittee shall restore natural flows to the affected channel immediately upon completion of in-channel project activities. This includes stream flows and connectivity interrupted by the use of cofferdams and bypass systems.

2.49 Turbidity Monitoring. Permittee shall monitor turbidity, dissolved oxygen, pH, and temperature levels up and downstream at each dewatered site during in-water work. The Permittee shall keep a log of the data and the following standards shall be met:

2.49.1 Permittee shall monitor turbidity levels 300 feet up and downstream of the project site before dewatering activities and then every two hours during dewatering and re-watering activities.

2.49.2 If the turbidity reading downstream of the project site is greater than 80 nephelometric turbidity units (NTUs) above turbidity at the upstream site, Permittee shall modify Best Management Practices (BMPs) or activities to decrease the turbidity (for example, decrease amount of people in water, or fix siltation devices) and continue to monitor every two hours.

2.49.3 If turbidity levels are greater than 150 NTUs above upstream turbidity control site, Permittee shall stop work immediately, modify BMPs or activities and wait to resume work until background turbidity levels are achieved.

2.49.4 Permittee shall notify CDFW immediately if the above standards cannot be met. If CDFW determines that turbidity levels resulting from project-related activities constitute a threat to aquatic life, activities associated with the excessive turbidity/siltation shall be halted until effective CDFW approved control devices are installed or abatement procedures are initiated. CDFW may take enforcement action if appropriate turbidity and siltation control measures are not deployed.

Pile Removal

- 2.50 Pile Removal. Piles shall be removed by a direct pull method or with the aid of a vibratory driver, where feasible. If piles cannot be removed by direct pull or vibratory driver, piles shall be cut off below the surface of the riverbed.
- 2.51 Removed Pile Storage. Removed piles and construction debris shall be contained on a barge or on land adjacent to the dock. If piles are not placed directly into a container, the storage area shall consist of a row of hay or straw bales, filter fabric, or similar material placed around the perimeter of the pile storage area.
- 2.52 Debris Disposal. All construction debris, such as creosote-treated piles, shall be properly disposed of in a landfill approved to accept that type of material.

Hydroacoustic Monitoring

- 2.53 Vibratory Pile Driver. Pile driving shall be conducted using a vibratory driver to avoid take by minimizing hydroacoustic impacts to fish species and marine mammals during construction. The vibratory driver shall be used to the greatest extent possible before using the impact hammer. If an impact hammer must be used for pile driving activities, the Permittee shall provide a sound monitoring plan and compensatory mitigation plan for CDFW review and approval prior to pile driving.
- 2.54 Underwater Sound Reduction for Impact Pile Driving. If pile driving by impact hammer is required, pile driving shall occur only during daylight hours and initially will be used at low energy levels and reduced impact frequency. Applied energy and frequency will be gradually increased until necessary full force and frequency are achieved. Additional underwater sound reduction measures shall be used as needed during impact pile driving to minimize sound levels that could have hydroacoustic impacts on fish species. Sound reduction measures may include use of an impact hammer cushion block, pipe caissons installed with a vibratory hammer to isolate the piles for the water, and/or the use of a bubble curtain surrounding the pile to be driven.
- 2.55 Underwater Sound Monitoring During Pile Driving. Underwater sound monitoring shall be performed during impact hammer pile-driving activities to ensure that single-strike peak sound pressure level does not exceed 208 decibels and the single-strike peak sound exposure level (SEL) does not exceed 187 decibels measured at 10 meters from the source. The underwater noise monitoring plan shall be reviewed and approved by CDFW prior to pile installation. The Qualified Biologist shall include a monitoring report in the Quarterly Compliance Report required in Reporting Measure 4.5 (Quarterly Compliance Report), using the Fisheries Hydroacoustic Working Group's *Underwater Noise Monitoring Template*, available online at: http://www.dot.ca.gov/hq/env/bio/fisheries_bioacoustics.htm.

- 2.56 Barotrauma Monitoring During Pile Driving. The underwater sound monitor shall conduct visual monitoring of the water surface concurrent with pile driving activities to ensure that the SEL exceedance does not adversely affect fish motor functions and cause fish die-off. The Qualified Biologist shall notify CDFW immediately if fish are observed to be in distress during the pile driving activities. If fish are observed to be in distress then Permittee shall cease pile-driving activities for 3 hours, and subsequent pile driving shall be done using the 'ramping up' technique defined in Measure 2.55 (Underwater Sound Monitoring During Pile Driving).

3. Compensatory Measures

To compensate for adverse impacts to fish and wildlife resources identified above that cannot be avoided or minimized, Permittee shall implement each measure listed below.

- 3.1 Mitigation Consistent with San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Permittee shall ensure that biological survey and construction monitoring requirements are implemented as prescribed in the SJMSCP if the project participates in the SJMSCP (instead of adhering to Avoidance and Minimization Measure 2.16 (Western Pond Turtle), 2.17 (Giant Garter Snake Preconstruction Surveys), 2.18 (Preconstruction Surveys and Nest Buffers for Swainson's Hawk)). Mitigation for all species with SJMSCP coverage including western pond turtle, giant garter snake, and Swainson's hawk will be implemented by participation in the SJMSCP. Permittee shall compensate for impacts to habitat through payment of the appropriate fees as required by the terms of the SJMSCP. Permittee shall upload the proof of payment/SJMSCP coverage to the EPIMS data portal prior to initiation of project related activities, referencing Notification Number EPIMS-SJN-33299-R3. If the Permittee chooses not to participate in the SJMSCP or to remove a species from the project's SJMSCP coverage, a major amendment to this Agreement shall be submitted by Permittee prior to initiating any project-related activities.
- 3.2 Mitigation for Hydroacoustic Impacts. Use of an impact hammer will result in temporary hydroacoustic impacts to fish species. If use of an impact hammer is required, compensatory mitigation shall be required.
- 3.2.1 Mitigation required for hydroacoustic impacts due to impact hammer use on the 72-inch or 60-inch piles shall be the purchase of 0.30 acre of shallow water habitat or stream channel habitat or equivalent credits at a CDFW-approved mitigation or conservation bank. This mitigation requirement was developed based on existing knowledge of species/habitat impacts with consideration of project activities, project timing and project-specific site conditions. OR:
- Permittee shall place a conservation easement on 0.30 acre of shallow water habitat or stream channel habitat or equivalent habitat within a river or stream area of equal or greater conservation value, within the watershed

and within San Joaquin County. The conservation easement shall be provided to CDFW for written acceptance from CDFW, include a management plan, and provide an endowment to manage the easement in perpetuity. The management plan shall be developed prior to acquisition of mitigation land and shall include, but not be limited to, description of the habitat; any habitat enhancements to the site, monitoring, and management of invasive aquatic and plant species; success criteria; and an adaptive management plan if the success criteria are not met. Permanent protection and funding for perpetual management of compensatory habitats must be complete before project commencement or within 18 months of the effective date of this Agreement if Security is provided.

If conserved lands cannot be acquired prior to project impacts, the Permittee shall provide CDFW with an irrevocable letter of credit, in writing, prior to initiation of project-related activities, or other form of security approved by CDFW. The security shall be in the amount of \$107,500. If hydroacoustic impact occurs, an irrevocable letter of credit allows CDFW to draw on it to purchase the mitigation. If impact does not occur, CDFW will release the security to the Permittee.

3.2.2 If habitat credits are purchased at a mitigation or conservation bank, Permittee shall obtain advance written approval from CDFW of the bank, the quantity of credits proposed for purchase, and the draft purchase agreement. Permittee shall not move forward with any mitigation credit purchase, nor finalize the purchase, without first obtaining written approval from CDFW. Mitigation credit purchases shall be finalized prior to initiation of project-related activities.

3.3 Mitigation for Impacts from Piling Installation and Cofferdam Installation and Operation. The location for piling installation and cofferdam installation occupy the same footprint. Pilings occupy 0.01 acre of impact within the cofferdam footprint of 0.70 acre. To account for piles installed within cofferdams, the footprint of the permanent piles is subtracted from the cofferdam footprint, making the cofferdam footprint 0.70 acre. To compensate for 0.70 acre of impact to the bed of the river from installation of pilings and installation and operation of cofferdams, Permittee shall mitigate for the loss of habitat. To mitigate, the Permittee shall do one of the following:

3.3.1 Purchase 0.70acre of credit from a CDFW-approved mitigation or conservation bank for shallow water habitat or stream channel habitat or equivalent credits and submit the payment receipt to CDFW prior to project initiation; OR:

Permittee shall put a conservation easement on 0.70 acre of shallow water habitat or stream channel habitat or equivalent habitat within a river or

stream area of equal or greater conservation value, within the watershed and within San Joaquin County. The conservation easement shall be provided to CDFW for written acceptance from CDFW, include a management plan, and provide an endowment to manage the easement in perpetuity. The management plan shall be developed prior to acquisition of mitigation land and shall include, but not be limited to, description of the habitat; any habitat enhancements to the site, monitoring, and management of invasive aquatic and plant species; success criteria; and an adaptive management plan if the success criteria are not met. Permanent protection and funding for perpetual management of compensatory habitats must be complete before project commencement or within 18 months of the effective date of this Agreement if Security is provided.

If conserved lands cannot be acquired prior to project impacts, the Permittee shall provide CDFW with an irrevocable letter of credit, in writing, prior to initiation of project-related activities, or other form of security approved by CDFW. The security shall be in the amount of \$125,000.

3.3.1.1 If habitat credits are purchased at a mitigation or conservation bank, Permittee shall obtain advance written approval from CDFW of the bank, the quantity of credits proposed for purchase, and the draft purchase agreement. Permittee shall not move forward with any mitigation credit purchase, nor finalize the purchase, without first obtaining written approval from CDFW. Mitigation credit purchases shall be finalized prior to initiation of project-related activities.

3.4 Alternate Mitigation - Mitigation Proposal. If mitigation bank credits are not available for purchase to compensate for cofferdam impacts, then the Permittee shall submit a mitigation proposal to CDFW detailing a method of mitigation for CDFW review and approval. The proposal shall include the mitigation ratio; the acreage of compensatory mitigation required based on actual impact or proposed impact; a narrative describing when, where, and how mitigation will be accomplished; and the potential cost of compensatory mitigation. The mitigation proposal shall be submitted to CDFW upon knowledge of lack of mitigation bank credits and no later than 6 months after project completion.

3.5 Riparian Tree Mitigation. For removed trees and if any trees are impacted as a result of proposed work activities [per Measure 2.25 (Protection of Riparian Trees)], removed and impacted trees shall be replaced at the following mitigation ratios to mitigate for permanent net loss of canopy cover and nesting habitat:

3.5.1 Native tree species (except for oak) measuring 2-6 inches DBH shall be replaced with native tree species at a minimum ratio of 1:1 (trees replaced:trees impacted).

3.5.2 Native tree species (except for oak) measuring 7-30 inches DBH shall be replaced with native tree species at a minimum ratio of 3:1 (trees replaced:trees impacted).

3.5.3 Native tree species (except for oak) measuring greater than 30 inches DBH shall be replaced with native tree species at a minimum ratio of 5:1 (trees replaced:trees impacted).

3.5.4 Native oak trees measuring less than 13 inches DBH shall be replaced with similar native oak trees at a minimum ratio of 5:1 (trees replaced: trees impacted).

3.5.5 Native oak trees measuring 13-18 inches DBH shall be replaced with similar native oak trees at a minimum ratio of 8:1 (trees replaced: trees impacted).

3.5.6 Native oak trees measuring greater than 18 inches DBH shall be replaced with similar native oak trees at a minimum ratio of 10:1 (trees replaced: trees impacted). Replacement trees shall consist of a minimum of one (1) gallon size tree and shrub replacements, stakes, or other suitable nursery stock. The replacement trees shall be native species that are similar to the trees that were removed and/or impacted by project related activities. The replacement trees shall be adapted to the light, soil and hydrological conditions that exist at the replanting site. The replacement trees shall be contiguous with existing habitat and preserved in perpetuity. If replanting within the project site is infeasible due to slope steepness or other physical constraints, Permittee shall propose an alternative location to CDFW for written approval. Permittee may negotiate a lower mitigation ratio via utilization of larger sapling sizes, at CDFW's discretion, and upon CDFW written approval of any requested changes to the Riparian Tree Mitigation and Monitoring Plan (see Measure 3.7 (Riparian Tree Mitigation and Monitoring Plan)).

3.6 Riparian Tree Mitigation and Monitoring Plan. When Permittee mitigates for tree removal and impacts through planting replacement trees, a Riparian Tree Mitigation Plan (RTMP) shall receive prior written approval by CDFW. The RTMP shall be submitted as Exhibit G of this Agreement at least 30 days prior to work commencement. The RTMP shall include the following to ensure a successful tree replanting effort:

3.6.1 Replanting Plan. The Replanting Plan must include the species of trees to be replanted, amounts of each, sizes, a map showing the planting locations identified by numbering, and a description and reference pictures of the replanting site(s).

3.6.2 Monitoring and Maintenance. All mitigation trees shall be monitored and maintained as necessary for five years. Mitigation trees shall be mapped

and shall be identifiable through unique numbering on the map.

3.6.3 Success Criteria. At a minimum, 80% of planted mitigation trees shall be alive at the end of five years.

3.6.4 Annual Reporting Requirement. Monitoring of the planted mitigation trees shall be reported annually for a period of five years to determine whether success criteria have been met. If the survival requirement is not projected to be met, based on annual monitoring, Permittee is responsible for replacement planting, additional watering, invasive exotic eradication, or any other practice(s) that would achieve required survival. All replacement trees shall be monitored for five years after planting.

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

4.1 Notification of Work Commencement/Completion to CDFW. Each season in which project related activities occur, Permittee shall notify CDFW 14 calendar days prior to the initiation of construction, and within 14 calendar days of the completion of construction. Permittee shall submit the notifications via the EPIMS data portal, referencing Notification Number EPIMS-SJN-33299-R3.

4.2 Qualified Biologist(s) and Biological Monitor(s). Permittee shall submit resumes of all potential Qualified Biologists and Biological Monitors to CDFW for approval at least 30 days prior to the initiation of preconstruction surveys. Resumes shall include educational background, experience with focal species and description of experience with each focal species (e.g., tagging, handling, observational surveys, relocation, auditory surveys, etc.), including number of hours/years of experience per species, trainings/workshops, and certificates or related credentials. Include experience with different life stages of a species when applicable. Permittee is encouraged to use the Biologist Resume Form included as Exhibit D. Preconstruction surveys and project implementation shall not commence until the Qualified Biologist and Biological Monitor have been approved by CDFW. Permittee shall upload the results to the EPIMS data portal referencing Notification Number EPIMS-SJN-33299-R3.

4.3 Biological Preconstruction Surveys. Prior to the commencement of work, Permittee shall upload the preconstruction survey results to the EPIMS data portal referencing Notification Number EPIMS-SJN-33299-R3. Permittee is encouraged to combine survey results for multiple species into a single document.

4.4 Special-Status Species Documentation. If any special-status species are observed during project monitoring, the Permittee shall immediately contact CDFW. Permittee shall also submit California Natural Diversity Data Base (CNDDB) forms to the CNDDB for all survey data within 15 working days of the sightings and shall

upload copies of the CNDDDB forms and survey maps to the EPIMS data portal referencing Notification EPIMS-SJN-33299-R3. Instructions and guidance are available online at [Submitting Data to the CNDDDB \(ca.gov\)](https://www.cdpr.ca.gov/Programs/OPA/Pages/NR20200811.aspx).

- 4.5 Quarterly Compliance Report. The Qualified Biologist or Biological Monitor shall submit a quarterly report electronically to CDFW. The monthly compliance report shall include the following items: notification number; begin and end times of daily worksite monitoring; begin and end times of all activities associated with the Project; underwater sound monitoring reports; a summarized description of whether compliance for all avoidance and minimization measures has been met; recommendations to achieve compliance of any avoidance and minimization measures that have not been met; fish and wildlife species observed during monitoring; any instances of capture and relocation of fish and wildlife; any avoidance behaviors of fish and wildlife; and photo documentation of site conditions. Permittee shall upload the Quarterly Compliance Report to the EPIMS data portal, referencing Notification Number EPIMS-SJN-33299-R3.
- 4.6 RTMP and Annual Report for Replacement Tree Mitigation Monitoring. Per Measure 3.6 (Riparian Tree Mitigation and Monitoring Plan), a RTMP shall be submitted to CDFW no less than thirty days prior to work commencement. Additionally, an annual report of replacement mitigation tree monitoring results shall be submitted to CDFW by December 31. Monitoring of the replacement mitigation trees shall be reported annually for a period of five years.
- 4.7 Project Completion Report. A final construction report shall be submitted to CDFW within 45 days of completion of all construction activity. This report shall detail: 1) dates construction occurred; 2) pertinent information concerning the success of the project in meeting avoidance and minimization measures; 3) detailed summaries of any deceased wildlife discovered at the site; 4) photographs of post-construction results; 5) the emergency spill response plan; and 6) the as-built designs of the completed work. An explanation of failure to meet such measures as specified in this Agreement shall also be included, if applicable. Permittee shall upload the Project Completion Report to the EPIMS data portal, referencing Notification Number EPIMS-SJN-33299-R3.
- 4.8 Cofferdam Plan Reporting. A report on cofferdam installation and removal shall be required annually after construction is completed. The report shall be submitted to CDFW by January 31 of each year. The report shall document all cofferdam installation and removal, specifying the cofferdam(s) that were present in the river longer than one construction season (year) when removal occurs. The report shall include maps of where cofferdam installation and removal occurred, with labels to separately identify each cofferdam, to be compared with Exhibit C (Cofferdam Plan). The report shall detail the square footage and acreage of each cofferdam installed and removed. If no cofferdam activity occurs in a construction year, that shall also be reported. The reports shall total the acreage of cofferdams that remained in place longer than one construction season, such that the final report

will detail the total acreage of cofferdam area requiring mitigation. The report shall document the mitigation credits or method used to compensate for the impacts and mitigation bills of sale shall be provided with/in the reports. When the purchase of mitigation credits or completion of other mitigation method that satisfies the mitigation requirement is provided by the Permittee, CDFW shall refund the security to the Permittee. The purchase of credits or mitigation method shall be commensurate with the area of impact that lasts longer than one construction season (year). Permittee shall upload the Cofferdam Plan Reports to the EPIMS data portal, referencing Notification Number EPIMS-SJN-33299-R3.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be submitted through Environmental Permit Information Management System (EPIMS) as instructed by CDFW.

To Permittee:

Port of Stockton
Jason Cashman
EPIMS-SJN-33299-R3
Rail Bridge Replacement and Rail Improvements Project
2201 West Washington Street
Stockton, CA 95203
jcashman@stocktonport.com

To CDFW:

Department of Fish and Wildlife
Bay Delta Region
EPIMS-SJN-33299-R3
Rail Bridge Replacement and Rail Improvements Project
R3LSA@wildlife.ca.gov and Andrea.Boertien@wildlife.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of 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 Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of 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 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 Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to 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 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 Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or 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. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

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

Nothing in the Agreement authorizes Permittee or any person acting on behalf of 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.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall use the "Amendments & Extension" form in EPIMS to submit the request. Permittee shall 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 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, Permittee shall use the "Amendments & Extension" form in EPIMS to submit the request. Permittee shall 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 Fish and Game Code section 1605, subdivision (b), 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, Permittee shall use the "Amendments & Extension" form in EPIMS to submit the request. Permittee shall 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 Fish and Game Code section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, 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 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 Fish and Game Code section 711.4 filing fee listed at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall expire on **December 31, 2029**, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as Fish and Game Code section 1605, subdivision (a)(2) requires.

EXHIBITS

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

- A. Site Map. From the *Port of Stockton Rail Bridge Replacement and Rail Improvements Project Permit Application Supplement* prepared for Port of Stockton by Anchor QEA,LLC; dated March 2023; page 2; submitted by Jason Cashman on March 14, 2023.
- B. Revised Site Plan. From the *Memorandum Re: Port of Stockton Rail Bridge Replacement and Rail Improvements Project Update to Project Description*; prepared for Port of Stockton by Anchor QEA,LLC; titled *Attachment 2 - Revised Site Plan*; as submitted by Katie Chamberlin on August 8, 2023.
- C. Cofferdam Plan. From the *Memorandum Re: Port of Stockton Rail Bridge Replacement and Rail Improvements Project Update to Project Description* prepared for Port of Stockton by Anchor QEA,LLC; as submitted by Katie Chamberlin on August 8, 2023.
- D. Biologist Resume Form

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

Through the electronic signature by the permittee or permittee's representative as evidenced by the attached concurrence from CDFW's EPIMS, the permittee accepts and agrees to comply with all provisions contained herein.

The EPIMS concurrence page containing electronic signatures must be attached to this agreement to be valid.