

ENCROACHMENT PERMIT

TR-0120 (REV 12/2022)

Permit No.
10-23-N-TK-0269In compliance with your application of April 24, 2023Dist/Co/Rte/PM
10/TUO/108/PM R17.22-Var

Reference Documents:

- Utility Notice No. _____ of _____
- Agreement No. _____ of _____
- R/W Contract No. _____ of _____
- Project code (ID): _____ CFC #: _____
- Utility Work Order #: _____

Permit Approval Date
May 12, 2023Performance Bond Amount (1)
\$0Payment Bond Amount (2)
\$0Bond Company
N/ABond Number (1)
\$ N/ABond Number (2)
\$ N/A

TO: CAL FIRE
785 Mountain Ranch Road,
San Andreas, CA 95249

_____, **PERMITEE**

and subject to the following, PERMISSION IS HEREBY GRANTED to:

Enter upon the State Highway 108 right of way to place, maintain and remove traffic control signs in Sierra village, Tuolumne County. CALFIRE forces will unload and load mastication equipment (feller buncher, skid steer, and excavator) along the shoulder of the highway. Mastication of brush and small trees will also be done off the traveled way within and adjacent to the State right of way. Traffic control may be performed from 8:00 AM to 5:00 PM, Monday through Friday.

All traffic control shall conform to Caltrans Standard Plans and Specifications dated 2022 and California MUTCD dated 2014.

THIS PERMIT IS NOT A PROPERTY RIGHT AND DOES NOT TRANSFER WITH THE PROPERTY TO A NEW OWNER.

The following attachments are also included as part of this permit (check applicable):

- YES NO General Provisions
- YES NO Utility Maintenance Provisions
- YES NO Storm Water Special Provisions
- YES NO Special Provisions
- YES NO A Cal-OSHA Permit, if required: Permit No. _____
- YES NO As-Built Plans Submittal Route Slip for Locally Advertised Projects
- YES NO Storm Water Pollution Protection Plan

In addition to fee, the permittee will be billed actual costs for:

- YES NO Review
- YES NO Inspection
- YES Field Work
(if any Caltrans effort expended)

- YES NO The information in the environmental documentation has been reviewed and considered prior to approval of this permit.

This permit is void unless the work is completed before November 12, 2023

This permit is to be strictly construed and no other work other than specifically mentioned is hereby authorized.

No project work shall be commenced until all other necessary permits and environmental clearances have been obtained.

CC:
#1: ROBERT H GILL
#2: CHARLES HUTCHINGS
#3:
#4:

APPROVED:

Dennis T. Agar

, District Director

BY:

Francisco J. Rodriguez

, District Permit Engineer

ADA Notice

This document is available in alternative accessible formats. For more information, please contact the Forms Management Unit at (279) 234-2284, TTY 711, in writing at Forms Management Unit, 1120 N Street, MS-89, Sacramento, CA 95814, or by email at Forms.Management.Unit@dot.ca.gov.

In accordance with General Provision No.6, **SEVEN (7) WORKING DAYS PRIOR** to the start of this work, Permittee shall notify the State Representative **BOB GILL** at (209) 482-0066 or by email: bob.gill@dot.ca.gov, P.O. Box 3558, Merced, 95344, if no traffic controls will be needed to accomplish the permit work. A pre-job meeting and/or conference with the Permittee/Permittee's Contractor, and State Representative is required prior to start of work unless waived by the State Representative. Permittee shall contact the State Representative and arrange for the pre-job meeting

This permit is not valid until Permittee has obtained permission from adjacent property owners, Irrigation Districts, Cities, Counties or other interested parties to perform the proposed work.

Notwithstanding General Provision No.4, the applicants and their prime contractors for all permit projects that involve a contractor performing authorized activities on the State Highway System shall submit a "**Contractor(s) Authorization Form**" (TR-0429). Contractors will provide a traffic control plan for review and approval prior to start of work and be charged applicable inspection fees. Contractors working on a public corporation is exempt from inspection fees. The traffic control plans must be prepared and stamped by a California Registered Professional Civil Engineer or Traffic Engineer. Caltrans can require the contractor to submit liability insurance and/or bonds as deemed necessary.

Permittee shall, prior to commencement of any work, provide the State Representative with the name and phone number of the person in responsible charge of the work to be performed under this permit.

Before commencing work, Permittee must obtain written concurrence from the State Highway Resident Engineer on the scheduling of the proposed work. This requirement is applicable when the permit work is located within or adjacent to an active Caltrans construction work zone.

Permittee/Contractor shall work with the State representative to request traffic control reservations for shoulder work and/or lane closure(s) needed to accomplish the work under this permit. **Requests shall be submitted to State representative by Monday Noon of the week prior to when the work is scheduled to occur.**

The State representative will submit the traffic control request(s) to District 10 Traffic Management (DTM) using the Lane Closure System (LCS). Upon LCS approval by DTM, the State representative will forward the traffic control ID back to the Permittee/Contractor by Friday afternoon of the week prior to the scheduled work. No shoulder or lane closures are allowed without prior LCS approval.

All Lane closures shall be called in by either the Permittee or the Permittee's Contractor, whichever is agreed upon. This shall be accomplished when jobsite traffic control is set, and then again when removed for the day. The assigned traffic control ID provided shall be called into the District 10 Traffic Management Center (TMC). The traffic control status codes are:

- 10-97 when traffic control begins
- 10-98 when traffic control ends
- 10-22 when traffic control is cancelled

The TMC can be reached 24 hours a day -7 days a week at (209) 948-7556 or 7551. Use of proper traffic control devices throughout the duration of the work is required per Caltrans Standard Plans and Standard Specifications.

The permittee or permittee's contractor is responsible for calling in any lane or shoulder closure approvals granted by the TMC in a timely manner and achieving a **minimum** of a 90% performance target otherwise **the work may be stopped in the field by the State Representative and no future approvals will be granted** until an action plan is submitted by the permittee or permittee's contractor on how the **minimum** of a 90% performance target will be achieved (example: calling in 9 of 10 TMC approvals to TMC = 90% -compliant and calling in 1 of 2 TMC approvals to TMC = 50% - noncompliant).

No lane closures, shoulder closures or other traffic restrictions shall be allowed on the following day(s):

- January 1 – New Year's Day
- Martin Luther King Jr. Day
- Presidents' Day
- Cesar Chavez Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

When a holiday falls on a Sunday, it is observed on the following Monday. There is no lane/shoulder closure allowed one day before or one day after the observance of a holiday.

All night-time work requires COZEEP. The State representative may advise the Permittee of other instances when COZEEP must be present. Night work is only allowed when required per lane closure chart(s) appended to the permit. Or when allowed, in writing, by the State Representative. **Arrangements for scheduling and payment for COZEEP services are the responsibility of the Permittee.**

Use proper traffic control devices throughout the duration of the project as per Caltrans Standard Specifications.

All work done under this permit must meet with the approval of the State Representative.

Failure on the Permittee's part to comply with any provision will be cause for revocation of this permit.

Except when necessary, as determined by the State Representative, no installation, construction equipment or personal vehicles shall operate or park within the traveled way.

All work shall be conducted in such a manner that the excavation, excavated earth, materials and equipment will not cause any inconvenience to the highway traffic or to traffic entering the highway from any public or private approach.

No earth or construction materials are to be dragged or scraped across the highway pavement. No excavated earth shall be placed or allowed to remain at a location where it can be tracked onto the highway traveled way or any public or private approach by the Permittee's construction equipment, or by traffic entering or leaving the highway traveled way. Any excavated earth or mud so tracked onto the highway pavement or public or private approach shall be immediately removed by the Permittee.

Immediately following completion of work permitted herein, the Permittee and/or authorized contractor shall fill in attached form TR-0128 and mail to the State Representative. This will notify the State Representative to perform close-out inspection, generate punch list as needed, re-inspect, and close-out permit.

Permittee's attention is directed to Section 6, "CONTROL OF MATERIALS", of the State Standard Specifications Reference to Engineer in the State Standard Specifications shall include State Representative

"Your attention is directed to Standard Specification, Section 5-1.36 Property and Facility Preservation, and Business and Professions Code, Section 8771. Permittee shall physically inspect the work site and locate survey monuments before work commencement. Monuments that might be disturbed shall be referenced or reset in accordance with Business and Professions Code."

"If feasible, monuments should not be set within the traveled way. All monuments that must be set or perpetuated in paved surfaces, shall be constructed in accordance with Caltrans Standard Specification Section 81 'monuments' and Standard Plan A74, Type D, or equal with prior approval of the District Surveys Engineer."

"Copies of Corner Records filed or Record of Surveys recorded in compliance with the Business and Professions Code shall be forwarded to the District Surveys Engineer."

The State of California, Department of Transportation makes no assurance or expressed warranty that the plans are completed or that the planned construction fits field conditions. Should additional work or modifications of the work be required in order to meet established Department Standards or in order to fit field conditions, the work shall be performed by Permittee as directed by the State Representative.

(PEDESTRIAN SAFETY) In addition to the attached General Provisions (TR-0045), the following special provisions are also applicable:

When the work area encroaches upon a sidewalk, walkway, or crosswalk area, special consideration must be given to pedestrian safety. Protective barricades, fencing, handrails, and bridges, together with warning and guidance devices and signs must be utilized so that the passageway for pedestrians, especially blind and other physically handicapped is safe and well defined and shown on the approved permit plan.

Pedestrian walkways and canopies within State right of way shall comply with the requirements of the applicable local agency or the latest edition of the Uniform Building Code; whichever contains the higher standards.

Caltrans is not a member of **USA Underground Service Alert** (underground locating service) and **USA** does not locate Caltrans underground facilities. It is the responsibility of the permittee to verify location and depth of all existing, underground Caltrans facilities including but not limited to drainage facilities, traffic loop detectors, electrical conduits, pull boxes and any other electrical facilities before using tools or equipment that may damage those facilities or interfere with an electrical system. Permittee shall replace, in kind or better, all existing electrical and non-electrical facilities damaged during construction.

CRZ (UTILITIES INSIDE THE CLEAR RECOVERY ZONE) All above ground structures or utility facilities within the State Highway right of way, including but not limited to utility poles, cabinets conduits, enclosures, temporary signs, temporary/permanent fences, and etc...shall be placed outside the **clear recovery zone (CRZ)**, e.g. 20' from edge of travelled way or 2' from face of curb. Any accident caused or aggravated by any of these facilities if within the CRZ shall be the responsibility of the permittee. Permittee shall indemnify and hold harmless the State, its officers, and employees from any and all claims suits of actions brought forth, or on account of injuries from the accident.

Permittee shall fully conform to the requirements of the Caltrans Statewide **NPDES Storm Water Permit, Order No. 2012-0011-DWQ, NPDES No. CAS000003, re-issued by the State Water Resources Control Board on September 19, 2012.** The Permittee shall also conform to the requirements of the General NPDES Permit for construction Activities and any subsequent General Permit in effect at the time of issuance of this Encroachment Permit. These permits regulate storm water discharges associated with year-round construction or special event encroachment activities.

For all projects of 1 acre or more the Permittee shall develop, implement, and maintain a **Storm Water Pollution Prevention Plan (SWPPP)** and for projects less than 1 acre a **Water Pollution Control Program (WPCP)**. Either the Plan or Program shall also conform to the requirements of the Caltrans Storm Water Quality Handbook, Construction Contractor's Guide and Specifications and Caltrans Specification Section 7-1-.01G and subsequent revisions.



DISTRICT	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
 REGISTERED CIVIL ENGINEER					
August 1, 2022 PLANS APPROVAL DATE					
					
THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.					

TABLE 1

SPEED (S)	MINIMUM TAPER LENGTH * FOR WIDTH OF OFFSET 12 FEET (W)				MAXIMUM CHANNELIZING DEVICE SPACING		
	TANGENT 2L	MERGING L	SHIFTING L/2	SHOULDER L/3	X	Y	Z **
					TAPER	TANGENT	CONFLICT
mph	ft	ft	ft	ft	ft	ft	ft
20	160	80	40	27	20	40	10
25	250	125	63	42	25	50	12
30	360	180	90	60	30	60	15
35	490	245	123	82	35	70	17
40	640	320	160	107	40	80	20
45	1080	540	270	180	45	90	22
50	1200	600	300	200	50	100	25
55	1320	660	330	220	50	100	25
60	1440	720	360	240	50	100	25
65	1560	780	390	260	50	100	25
70	1680	840	420	280	50	100	25
75	1800	900	450	300	50	100	25

* - For other offsets, use the following merging taper length formula for L:
 For speed of 40 mph or less, $L = WS^2/60$
 For speed of 45 mph or more, $L = WS$

Where: L = Taper length in feet
 W = Width of offset in feet

S = Posted speed limit, off-peak 85th-percentile
 speed prior to work starting, or the anticipated
 operating speed in mph

** - Use for taper and tangent sections where there are no pavement markings or where
 there is a conflict between existing pavement markings and channelizers (CA).

TABLE 2

SPEED *	Min D **	DOWNGRADE Min D ***		
		-3%	-6%	-9%
		ft	ft	ft
mph	ft	ft	ft	ft
20	115	116	120	126
25	155	158	165	173
30	200	205	215	227
35	250	257	271	287
40	305	315	333	354
45	360	378	400	427
50	425	446	474	507
55	495	520	553	593
60	570	598	638	686
65	645	682	728	785
70	730	771	825	891
75	820	866	927	1003

* - Speed is posted speed limit, off-peak 85th-percentile
 speed prior to work starting, or the anticipated
 operating speed in mph

** - Longitudinal buffer space or flagger station spacing

*** - Use on sustained downgrade steeper than -3 percent
 and longer than 1 mile.

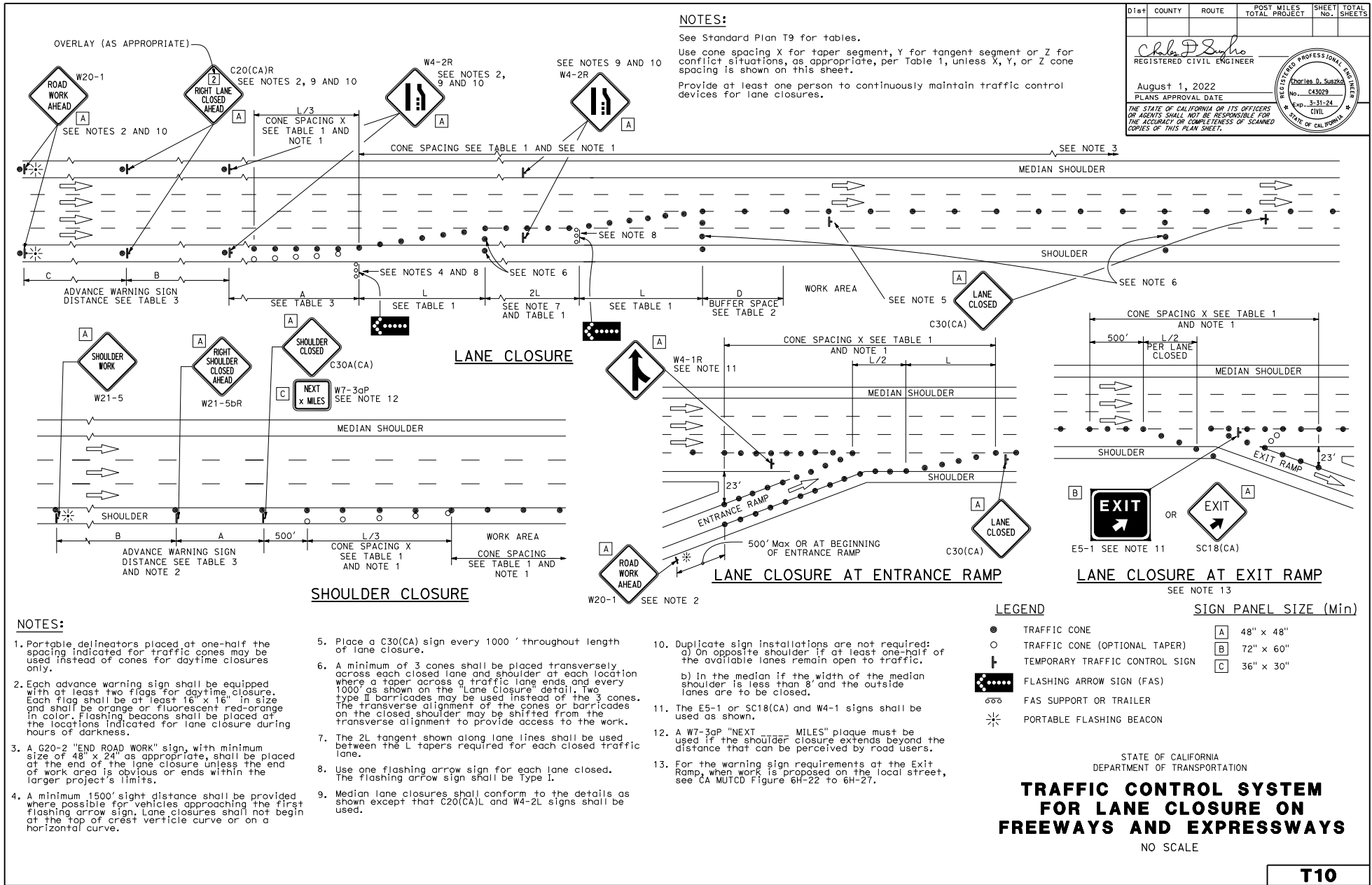
TABLE 3

ROAD TYPE	DISTANCE BETWEEN SIGNS *		
	A	B	C
	ft	ft	ft
URBAN - 25 mph OR LESS	100	100	100
URBAN - MORE THAN 25 mph TO 40 mph	250	250	250
URBAN - MORE THAN 40 mph	350	350	350
RURAL	500	500	500
EXPRESSWAY / FREEWAY	1000	1500	2640

* - The distances are approximate, are intended for guidance
 purposes only, and should be applied with engineering judgment.
 These distances should be adjusted by the Engineer for field
 conditions, if necessary, by increasing or decreasing the
 recommended distances.

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION

**TRAFFIC CONTROL SYSTEM TABLES
 FOR LANE AND RAMP CLOSURES**



NOTES:

See Standard Plan T9 for tables.
 Use cone spacing X for taper segment, Y for tangent segment or Z for conflict situations, as appropriate, per Table 1, unless X, Y, or Z cone spacing is shown on this sheet.
 Provide at least one person to continuously maintain traffic control devices for lane closures.

D16+	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET TOTAL NO. SHEETS
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Charles D. Suzzo
 REGISTERED CIVIL ENGINEER
 August 1, 2022
 PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

REGISTERED PROFESSIONAL ENGINEER
 Charles D. Suzzo
 No. C43029
 Exp. 3-31-24
 CIVIL
 STATE OF CALIFORNIA

- NOTES:**
1. Portable delineators placed at one-half the spacing indicated for traffic cones may be used instead of cones for daytime closures only.
 2. Each advance warning sign shall be equipped with at least two flags for daytime closure. Each flag shall be at least 16" x 16" in size and shall be orange or fluorescent red-orange in color. Flashing beacons shall be placed at the locations indicated for lane closure during hours of darkness.
 3. A C20-2 "END ROAD WORK" sign, with minimum size of 48" x 24" as appropriate, shall be placed at the end of the lane closure unless the end of work area is obvious or ends within the larger project's limits.
 4. A minimum 1500' sight distance shall be provided where possible for vehicles approaching the first flashing arrow sign. Lane closures shall not begin at the top of crest vertical curve or on a horizontal curve.

5. Place a C30(CA) sign every 1000' throughout length of lane closure.
6. A minimum of 3 cones shall be placed transversely across each closed lane and shoulder at each location where a taper across a traffic lane ends and every 1000' as shown on the "Lane Closure" detail. Two type II barricades may be used instead of the 3 cones. The transverse alignment of the cones or barricades on the closed shoulder may be shifted from the transverse alignment to provide access to the work.
7. The 2L tangent shown along lane lines shall be used between the L tapers required for each closed traffic lane.
8. Use one flashing arrow sign for each lane closed. The flashing arrow sign shall be Type I.
9. Median lane closures shall conform to the details as shown except that C20(CA)L and W4-2L signs shall be used.

10. Duplicate sign installations are not required:
 - a) On opposite shoulder if at least one-half of the available lanes remain open to traffic.
 - b) In the median if the width of the median shoulder is less than 8' and the outside lanes are to be closed.
11. The E5-1 or SC18(CA) and W4-1 signs shall be used as shown.
12. A W7-3aP "NEXT --- MILES" plaque must be used if the shoulder closure extends beyond the distance that can be perceived by road users.
13. For the warning sign requirements at the Exit Ramp, when work is proposed on the local street, see CA MUTCD Figure 6H-22 to 6H-27.

LEGEND

- TRAFFIC CONE
- TRAFFIC CONE (OPTIONAL TAPER)
- ⊥ TEMPORARY TRAFFIC CONTROL SIGN
- ⬇ FLASHING ARROW SIGN (FAS)
- ☞ FAS SUPPORT OR TRAILER
- ⚡ PORTABLE FLASHING BEACON

SIGN PANEL SIZE (Min)

- [A] 48" x 48"
- [B] 72" x 60"
- [C] 36" x 30"

TRAFFIC CONTROL SYSTEM FOR LANE CLOSURE ON FREEWAYS AND EXPRESSWAYS


NO SCALE

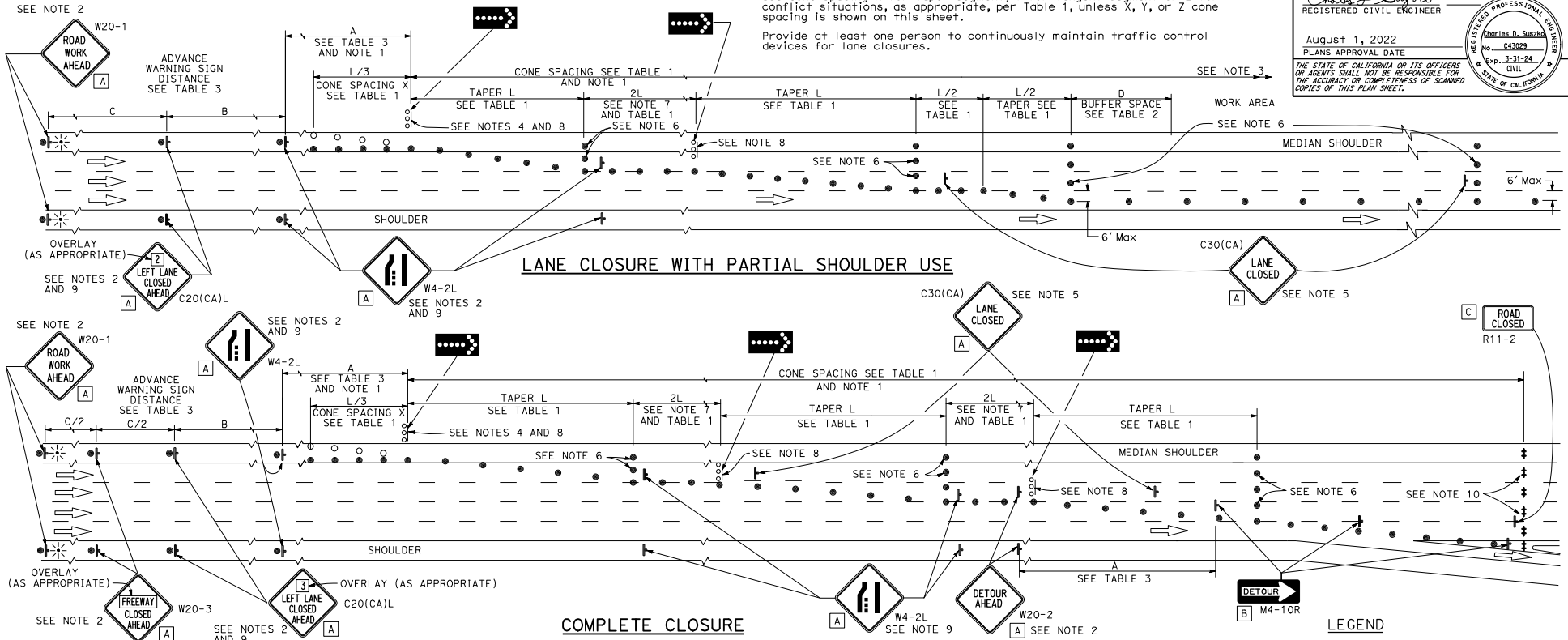
T10

NOTES:

See Standard Plan T9 for tables.
 Use cone spacing X for taper segment, Y for tangent segment or Z for conflict situations, as appropriate, per Table 1, unless X, Y, or Z cone spacing is shown on this sheet.
 Provide at least one person to continuously maintain traffic control devices for lane closures.

D16+	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS


 REGISTERED CIVIL ENGINEER
 August 1, 2022
 PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.






NOTES:

- Portable delineators placed at one-half the spacing indicated for traffic cones may be used instead of cones for daytime closures only.
- Each advance warning sign shall be equipped with at least two flags for daytime closure. Each flag shall be at least 16" x 16" in size and shall be orange or fluorescent red-orange in color. Flashing beacons shall be placed at the locations indicated for lane closure during hours of darkness.
- A G20-2 "END ROAD WORK" sign, with minimum size of 48" x 24" as appropriate, shall be placed at the end of the lane closure unless the end of work area is obvious or ends within a larger project's limits.
- A minimum 1500' of sight distance shall be provided where possible for vehicles approaching the first flashing arrow sign. Lane closures shall not begin at the top of crest vertical curve or on a horizontal curve.
- Place a C30(CA) sign every 1000' throughout length of lane closure.
- A minimum of 3 cones shall be placed transversely across each closed lane and shoulder at each location where a taper, across a traffic lane ends and every 1000' as shown on the "Lane Closure with Partial Shoulder Use" detail. Two type II barricades may be used instead of the 3 cones. The transverse alignment of the cones or barricades on the closed shoulder may be shifted from the transverse alignment to provide access to the work.
- The 2L tangent shown along lane lines shall be used between the L tapers required for each closed traffic lane.
- Use one flashing arrow sign for each lane closed. The flashing arrow sign shall be Type I.
- Lane closures on the right side using partial median shoulder as a traffic lane shall conform to the details shown except that C20(CA)R and W4-2R signs shall be used.
- A minimum of Two Type II or III barricades shall be placed across each closed lane and shoulder at the location shown and every 2000' within the complete closure area. Within the complete closure area, the transverse alignment of the barricades on the closed shoulder may be shifted from the transverse alignment to provide access to the work.

SIGN PANEL SIZE (Min)

- A 48" x 48"
- B 48" x 18"
- C 48" x 30"

LEGEND

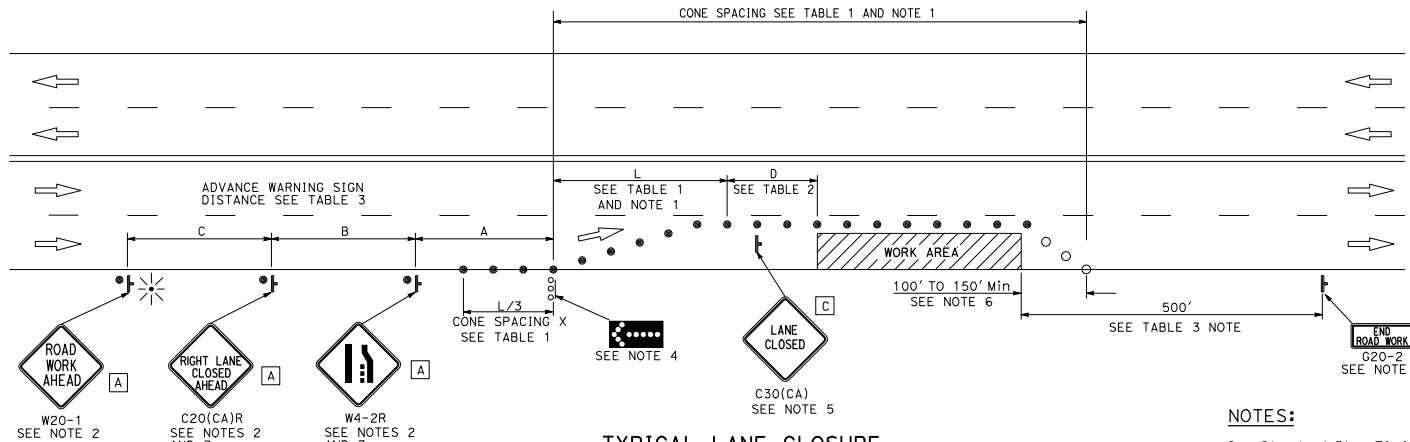
- TRAFFIC CONE
- TRAFFIC CONE (OPTIONAL TAPER)
- ⊥ TEMPORARY TRAFFIC CONTROL SIGN
-  FLASHING ARROW SIGN (FAS)
-  FAS SUPPORT OR TRAILER
-  PORTABLE FLASHING BEACON

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
**TRAFFIC CONTROL SYSTEM
 FOR LANE CLOSURE ON
 FREEWAYS AND EXPRESSWAYS**

NO SCALE

T10A

D16+	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
Charles D. Suszko REGISTERED CIVIL ENGINEER					
August 1, 2022 PLANS APPROVAL DATE					
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TYPICAL LANE CLOSURE

NOTES:

See Standard Plan T9 for tables.
 Use cone spacing X for taper segment, Y for tangent segment or Z for conflict situations, as appropriate, per Table 1, unless X, Y, or Z cone spacing is shown on this sheet.
 Provide at least one person to continuously maintain traffic control devices for lane closures.

LEGEND

- TRAFFIC CONE
- TRAFFIC CONE (OPTIONAL TAPER)
- † TEMPORARY TRAFFIC CONTROL SIGN
- FLASHING ARROW SIGN (FAS)
- FAS SUPPORT OR TRAILER
- PORTABLE FLASHING BEACON

SIGN PANEL SIZE (Min)

- A 48" x 48"
- B 36" x 18"
- C 30" x 30"

NOTES:

1. Portable delineators placed at one-half the spacing indicated for traffic cones may be used instead of cones for daytime closures only.
2. Each advance warning sign shall be equipped with at least two flags for daytime closure. Each flag shall be at least 16" x 16" in size and shall be orange or fluorescent red-orange in color. Flashing beacons shall be placed at the locations indicated for lane closure during hours of darkness.
3. A G20-2 "END ROAD WORK" sign shall be placed at the end of the lane closure unless the end of work area is obvious or ends within the larger project's limits.
4. A minimum 1500' of sight distance shall be provided where possible for vehicles approaching the first flashing arrow sign. Lane closures shall not begin at the top of crest vertical curve or on a horizontal curve.
5. Place C30(CA) "LANE CLOSED" sign at 500' to 1000' intervals throughout extended work area.
6. Length may be reduced by the Engineer to address site conditions.
7. Median lane closures shall conform to the details shown except that C20(CA)L and W4-2L signs shall be used.
8. For approach speeds over 50 MPH, use the "Traffic Control System for Lane Closure on Freeways and Expressways" plan for lane closure details and requirements.

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
**TRAFFIC CONTROL SYSTEM
 FOR LANE CLOSURE ON
 MULTILANE CONVENTIONAL
 HIGHWAYS**

NO SCALE

T11

D16+	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET TOTAL NO. SHEETS

Charles D. Suzzo
 REGISTERED CIVIL ENGINEER
 August 1, 2022
 PLANS APPROVAL DATE
 Charles D. Suzzo
 No. C43029
 EXP. 3-31-24
 CIVIL
 STATE OF CALIFORNIA

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LEGEND

- TRAFFIC CONE
- ⊥ TEMPORARY TRAFFIC CONTROL SIGN
- ⬢ FLASHING ARROW SIGN (FAS)
- ☀ FAS SUPPORT OR TRAILER
- ☀ PORTABLE FLASHING BEACON

SIGN PANEL SIZE (Min)

- A 48" x 48"
- B 24" x 24"
- C 36" x 18"

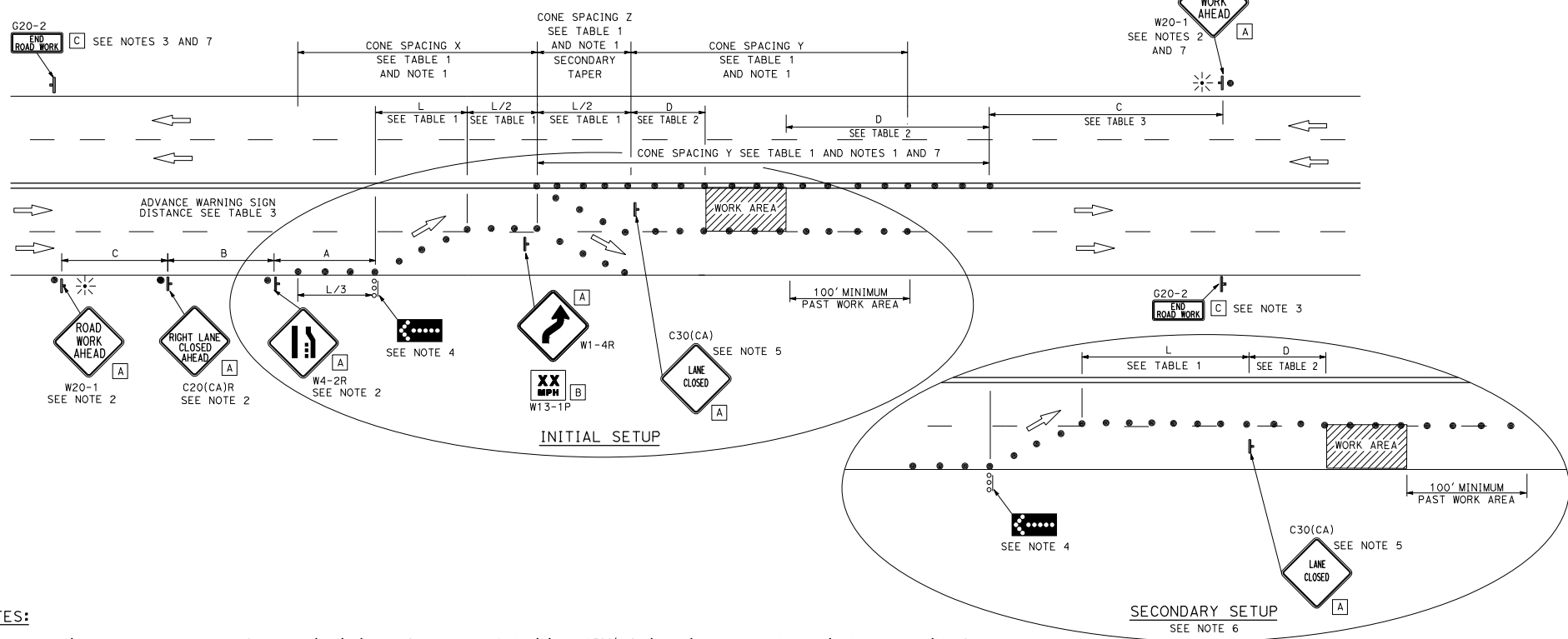
NOTES:

See Standard Plan T9 for tables.

Use cone spacing X for taper segment, Y for tangent segment or Z for conflict situations, as appropriate, per Table 1, unless X, Y, or Z cone spacing is shown on this sheet.

Provide at least one person to continuously maintain traffic control devices for lane closures.

TYPICAL CHANGEABLE LANE CLOSURE



NOTES:

- Portable delineators placed at one-half the spacing indicated for traffic cones may be used instead of cones for daytime closures only.
- Each advance warning sign shall be equipped with at least two flags for daytime closure. Each flag shall be at least 16" x 16" in size and shall be orange or fluorescent red-orange in color. Flashing beacon shall be placed at the locations indicated for lane closure during hours of darkness.
- A G20-2 "END ROAD WORK" sign shall be placed at the end of the lane closure unless the end of work area is obvious or ends within the larger project's limits.
- A minimum 1500' of sight distance shall be provided where possible for vehicles approaching the first flashing arrow sign. Lane closures shall not begin at the top of crest vertical curve or on a horizontal curve.
- Place C30(CA) "LANE CLOSED" sign at 500' to 1000' intervals throughout extended work area.
- Relocate secondary taper to tangent location and relocate C30(CA) sign. Remove W1-4R/W13-1P sign package.
- Sign installations and cones are not required when a median barrier is in place.

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION

**TRAFFIC CONTROL SYSTEM
 FOR CHANGEABLE LANE CLOSURE ON
 MULTILANE CONVENTIONAL
 HIGHWAYS AND EXPRESSWAYS**

NO SCALE

T11A

LEGEND

- TRAFFIC CONE
- ⊢ TEMPORARY TRAFFIC CONTROL SIGN
- ⬢⬢⬢⬢ FLASHING ARROW SIGN (FAS)
- ☀ FAS SUPPORT OR TRAILER
- ☀ PORTABLE FLASHING BEACON

SIGN PANEL SIZE (Min)

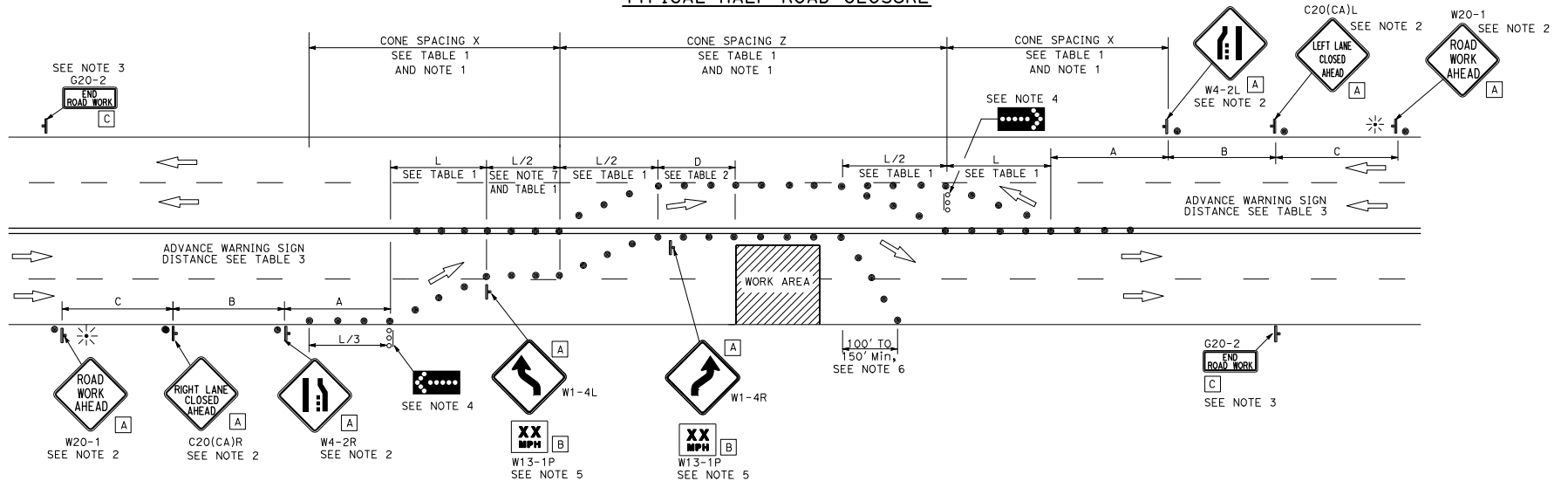
- A 48" x 48"
- B 24" x 24"
- C 36" x 18"

NOTES:

See Standard Plan T9 for tables.
 Use cone spacing X for taper segment, Y for tangent segment or Z for conflict situations, as appropriate, per Table 1, unless X, Y, or Z cone spacing is shown on this sheet.
 Provide at least one person to continuously maintain traffic control devices for lane closures.

D16+	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET TOTAL No. SHEETS
August 1, 2022 PLANS APPROVAL DATE THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.				

TYPICAL HALF ROAD CLOSURE



NOTES:

- Portable delineators placed at one-half the spacing indicated for traffic cones may be used instead of cones for daytime closures only.
- Each advance warning sign shall be equipped with at least two flags for daytime closure. Each flag shall be at least 16" x 16" in size and shall be orange or fluorescent red-orange in color. Flashing beacons shall be placed at the locations indicated for lane closure during hours of darkness.
- A G20-2 "END ROAD WORK" sign, shall be placed at the end of the lane closure unless the end of work area is obvious or ends within the larger project's limits.
- A minimum 1500' sight distance shall be provided where possible for vehicles approaching the first flashing arrow sign. Lane closures shall not begin at the top of crest verticle curve or on a horizontal curve.
- Advisory speed will be determined by the Engineer, The W13-1P Plaque will not be required when advisory speed is more than the posted or maximum speed limit.
- Length may be reduced by the Engineer to address site conditions.
- The tangent (L/2) shall be used.

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION

**TRAFFIC CONTROL SYSTEM
 FOR HALF ROAD CLOSURE ON
 MULTILANE CONVENTIONAL
 HIGHWAYS AND EXPRESSWAYS**

NO SCALE

T12

NOTES:

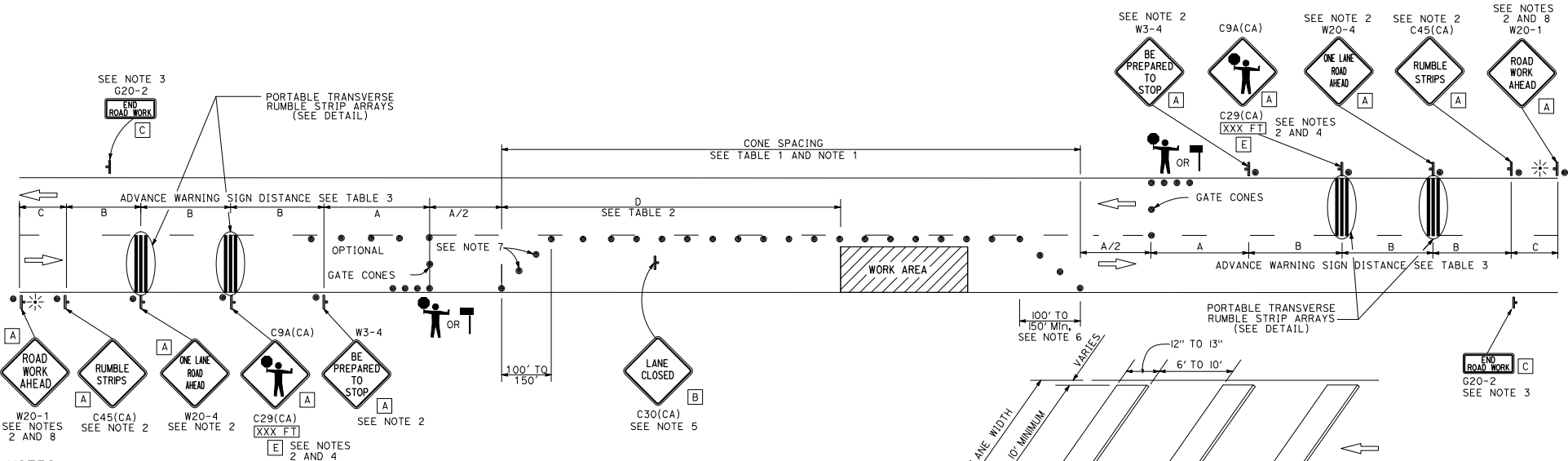
See Standard Plan T9 for tables.

Use cone spacing X for taper segment, Y for tangent segment or Z for conflict situations, as appropriate, per Table 1, unless X, Y, or Z cone spacing is shown on this sheet.

Provide at least one person to continuously maintain traffic control devices for lane closures.

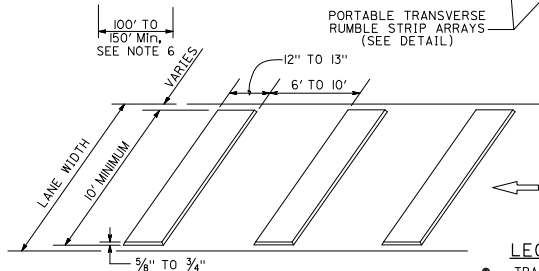
D16+	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET TOTAL SHEETS

August 1, 2022
 PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.



NOTES:

1. Portable delineators placed at one-half the spacing indicated for traffic cones may be used instead of cones for daytime closures only.
2. Sign must be equipped with at least two flags for daytime closures. Flags must be orange in color and at least 16 inches by 16 inches in size. Place flashing beacons as shown for closures during hours of darkness.
3. A G20-2 "END ROAD WORK" sign, shall be placed at the end of the lane closure unless the end of work area is obvious or ends within the larger project's limits.
4. An optional C29(CA) sign may be placed below the C9A(CA) sign.
5. Place C30(CA) "LANE CLOSED" sign at 500' to 1000' intervals throughout extended work area. They are optional if the work area is visible from the flagger station.
6. Length may be reduced by the Engineer to address site conditions.
7. Either traffic cones or barricades shall be placed on the taper. Barricades shall be Type I, II, or III.
8. If C45(CA) is not used, measure distance C from W20-4.



LEGEND

- TRAFFIC CONE
- ⊥ TEMPORARY TRAFFIC CONTROL SIGN
- ⚡ PORTABLE FLASHING BEACON
- 🚧 FLAGGER
- 🚧 AUTOMATED FLAGGER ASSISTANCE DEVICE (AFAD)

SIGN PANEL SIZE (Min)

A	48" x 48"
B	30" x 30"
C	36" x 18"
D	36" x 42"
E	20" x 7"

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
**TRAFFIC CONTROL SYSTEM
WITH REVERSIBLE CONTROL
ON TWO LANE CONVENTIONAL
HIGHWAYS**

NO SCALE

T13

313

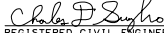
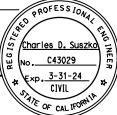
2022 STANDARD PLAN T13

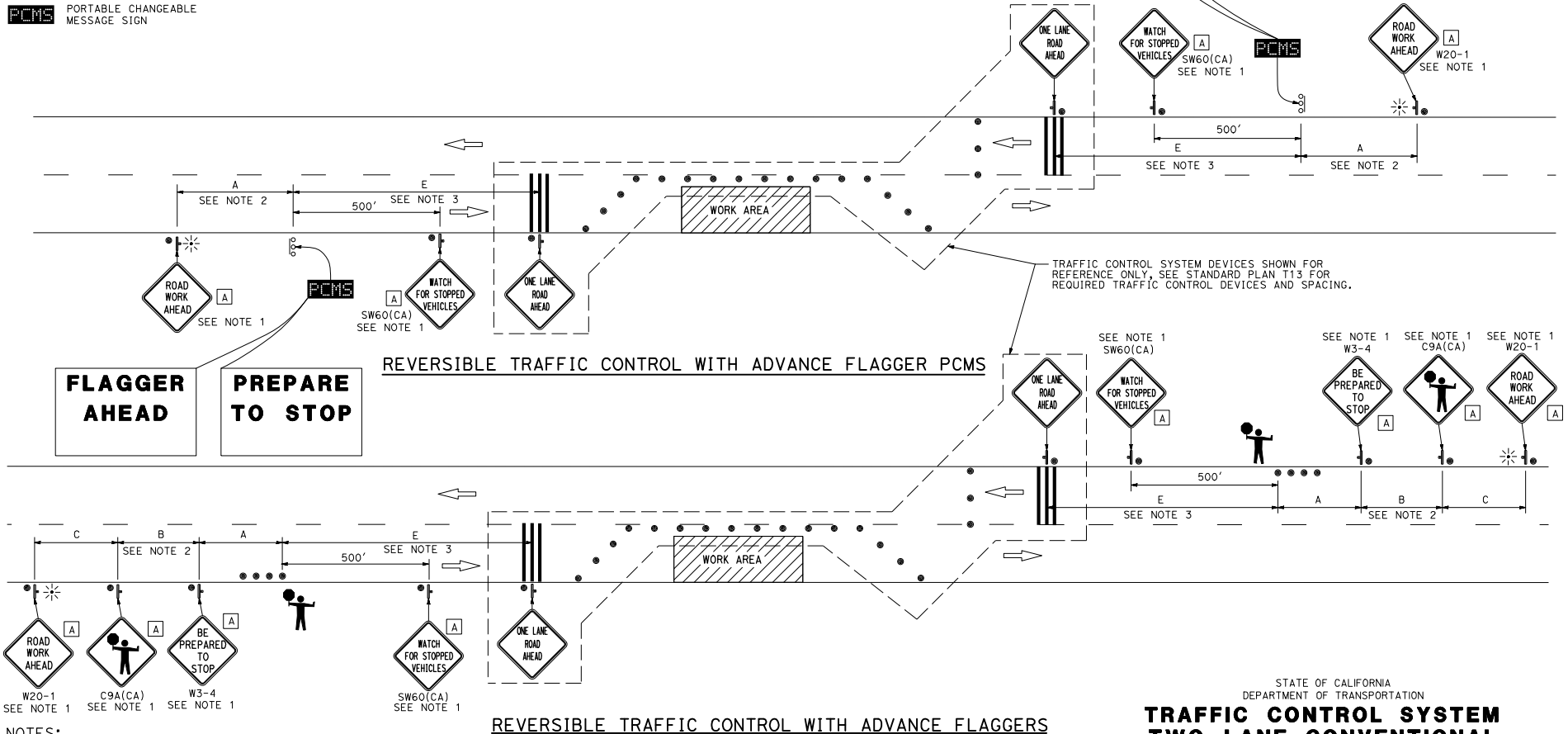
LEGEND:

- TRAFFIC CONE
- ⊥ TEMPORARY TRAFFIC CONTROL SIGN
- ⊛ PORTABLE FLASHING BEACON
- 🚛 TRAILER
- 🚧 FLAGGER
- PCMS PORTABLE CHANGEABLE MESSAGE SIGN

SIGN PANEL SIZE (Min):

A 48" x 48"

D16+	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
 REGISTERED CIVIL ENGINEER					
August 1, 2022 PLANS APPROVAL DATE					
					
THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.					



- NOTES:**
1. Sign must be equipped with at least two flags for daytime closures. Flags must be orange in color and at least 16 inches by 16 inches in size. Place flashing beacons as shown for closures during hours of darkness.
 2. See Standard Plan T9, Table 3 for advanced warning sign spacing.
 3. See Standard Specification 12-4.02C.

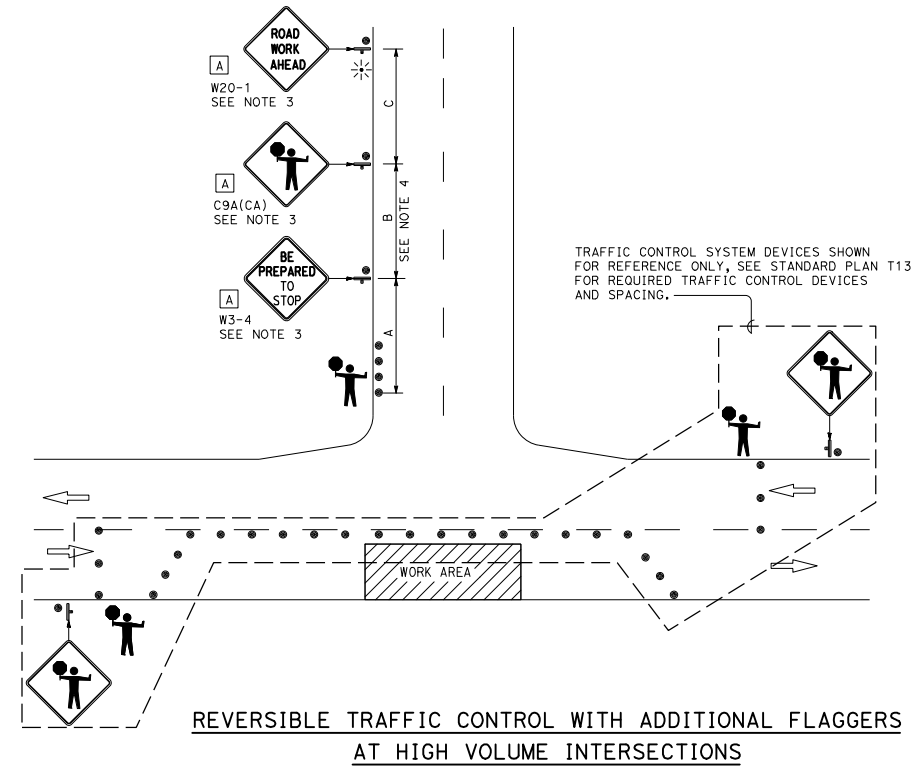
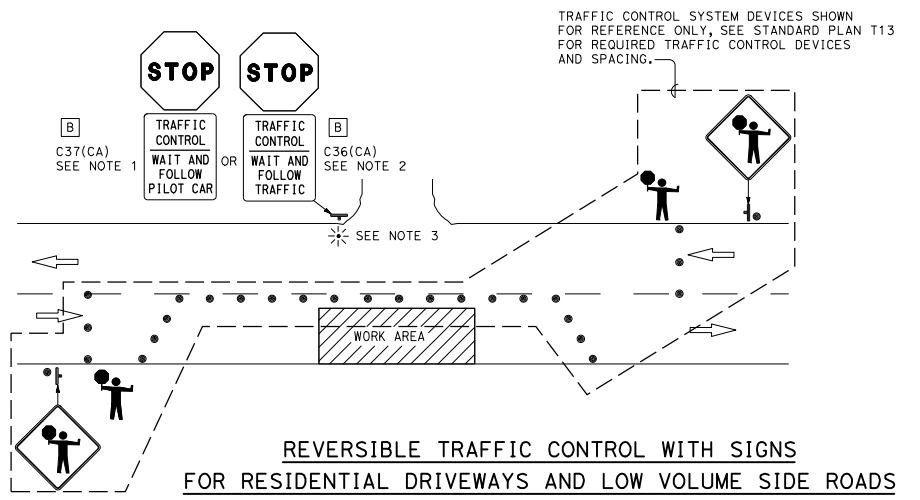
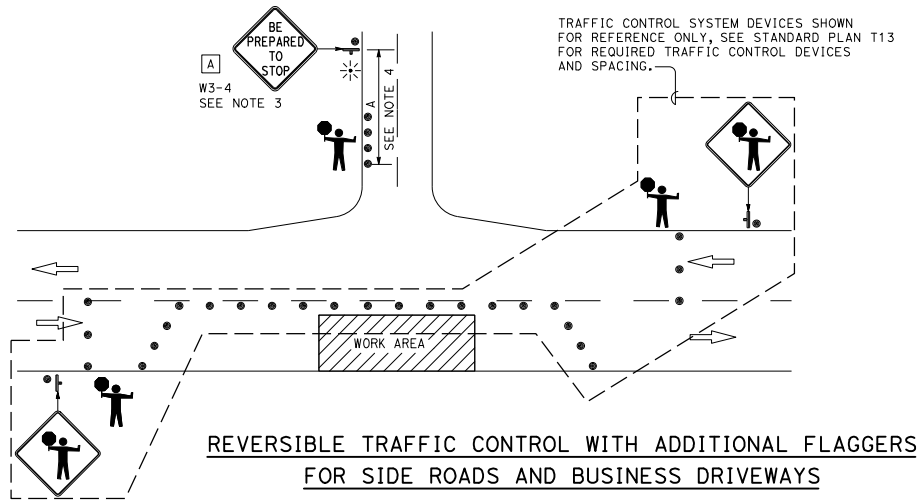
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
TRAFFIC CONTROL SYSTEM
TWO LANE CONVENTIONAL
HIGHWAYS
NO SCALE

T13A

D16+	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET TOTAL NO. SHEETS

Charles D. Suzzo
 REGISTERED CIVIL ENGINEER
 August 1, 2022
 PLANS APPROVAL DATE
 Charles D. Suzzo
 No. C43029
 Exp. 3-31-24
 CIVIL
 STATE OF CALIFORNIA

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.



NOTES:

- Place C37(CA) sign when pilot car is used.
- Place C36(CA) sign when pilot car is not used.
- Sign must be equipped with at least two flags for daytime closures. Flags must be orange in color and at least 16 inches by 16 inches in size. Place flashing beacons as shown for closures during hours of darkness.
- See Standard Plan T9, Table 3 for advance warning sign spacing.

LEGEND:

- TRAFFIC CONE
- ⊥ TEMPORARY TRAFFIC CONTROL SIGN
- ⚡ PORTABLE FLASHING BEACON
- 👤 FLAGGER

SIGN PANEL SIZE (Min)

- A 48" x 48"
- B 36" x 42"

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

**TRAFFIC CONTROL SYSTEM
TWO LANE CONVENTIONAL HIGHWAYS**

NO SCALE

T13B

TYPICAL RAMP CLOSURES

SIGN PANEL SIZE (Min)

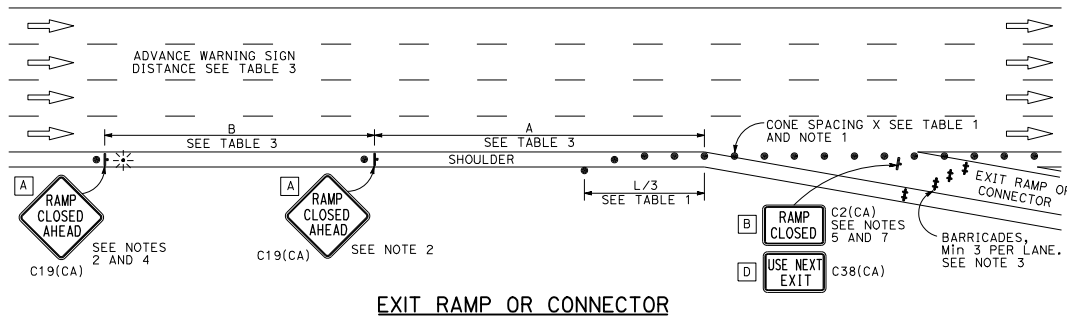
- A 48" x 48"
- B 48" x 30"
- C 36" x 36"
- D 48" x 36"

LEGEND

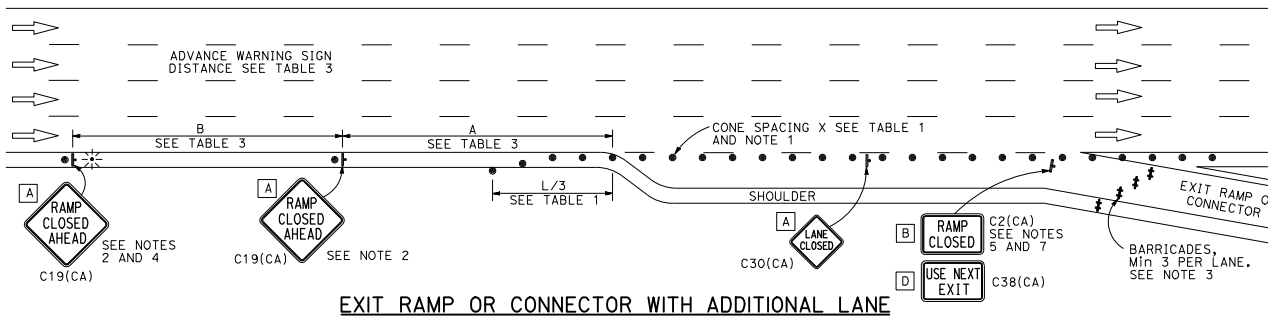
- TRAFFIC CONE
- ⊥ TEMPORARY TRAFFIC CONTROL SIGN
- ⚡ BARRICADES
- ⚡ PORTABLE FLASHING BEACON

D16+	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS

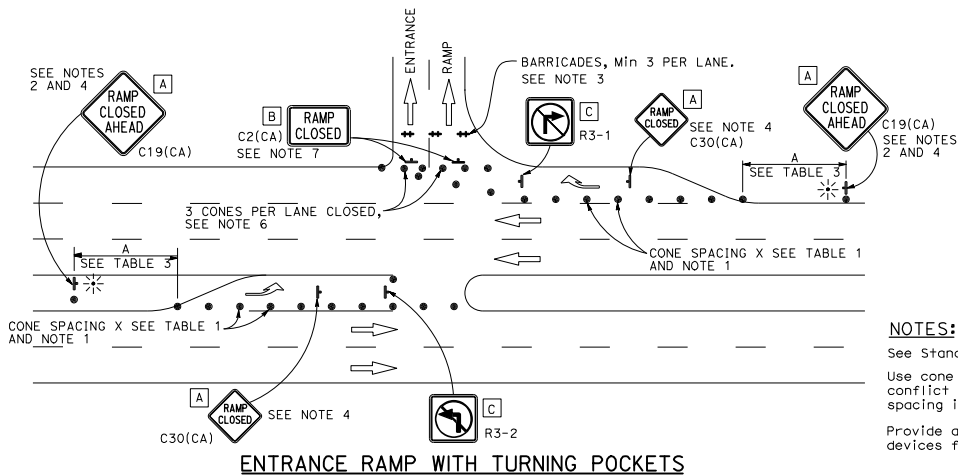
Charles D. Suzzo
 REGISTERED CIVIL ENGINEER
 August 1, 2022
 PLANS APPROVAL DATE
 Charles D. Suzzo
 No. C43029
 Exp. 3-31-24
 CIVIL
 STATE OF CALIFORNIA



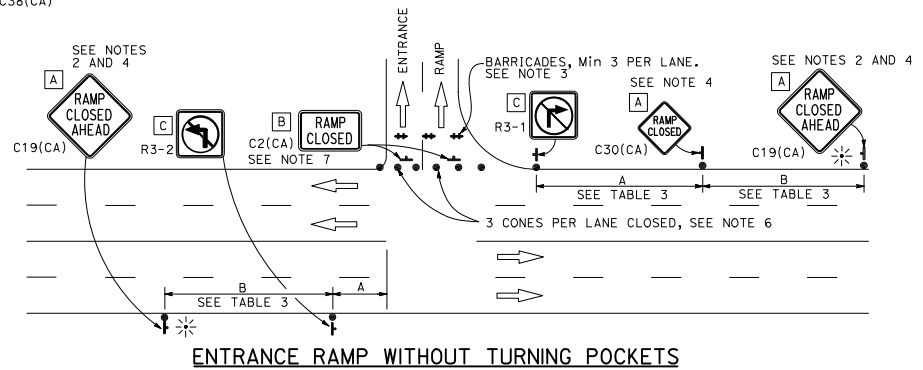
EXIT RAMP OR CONNECTOR



EXIT RAMP OR CONNECTOR WITH ADDITIONAL LANE



ENTRANCE RAMP WITH TURNING POCKETS



ENTRANCE RAMP WITHOUT TURNING POCKETS

NOTES:

1. See Standard Plan T9 for tables.
2. Use cone spacing X for taper segment, Y for tangent segment or Z for conflict situations, as appropriate, per Table 1, unless X, Y, or Z cone spacing is shown on this sheet.
3. Provide at least one person to continuously maintain traffic control devices for lane closures.

NOTES:

1. Portable delineators placed at one-half the spacing indicated for traffic cones may be used instead of cones for daytime closures only.
2. Each advance warning C19(CA) "RAMP CLOSED AHEAD" sign shall be equipped with at least two flags for daytime closure. Each flag shall be at least 16" x 16" in size and shall be orange or fluorescent red-orange in color. A flashing beacon shall be placed on top of the first C19(CA) sign during hours of darkness.
3. Barricades shall be Type I, II or III for closures lasting one week or less and Type III for closures lasting longer than one week.
4. In addition to placing the C19(CA) "RAMP CLOSED AHEAD" and C30(CA) "RAMP CLOSED" signs, black on orange overlay plates with the word "closed" may be mounted. As directed by the Engineer on all guide signs that refer to the closed ramp. The letter size on the overlay shall be the same as the guide sign.
5. The existing "EXIT" signs shall be covered during ramp closures.
6. A minimum of 3 cones shall be placed transversely across each closed lane and shoulder.
7. C2(CA) sign shall be black and white.

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
**TRAFFIC CONTROL SYSTEM
 FOR RAMP CLOSURE**
 NO SCALE

T14

2022 STANDARD PLAN T14

[Return to Table of Contents](#)

Notice of Exemption

Form D

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) Department of Housing and Community Development
2020 West El Camino Avenue, Suite 200
Sacramento, CA 95833

County Clerk
County of _____

(Address)

Project Title: NDRC Fuel Breaks Project

Project Location - Specific:

See Section 1.1 in Attachment A, and Figure 1, Vicinity Map, in Attachment B

Project Location - City: _____ Project Location - County: Tuolumne

Description of Nature, Purpose and Beneficiaries of Project:

See Sections 1.2 through 1.4 in Attachment A

Name of Public Agency Approving Project: Department of Housing and Community Development

Name of Person or Agency Carrying Out Project: The USFS Stanislaus National Forest (STF)

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Section 15304, Class 4, Minor Alterations to Land
Statutory Exemptions. State code number: Public Resources Code Section 4799.05(d)(1)

Reasons why project is exempt:

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Furthermore per Public Resources Code Section 4799.05(d)(1), CEQA does not apply to prescribed fire, thinning, or fuel reduction projects undertaken on federal lands to reduce the risk of high-severity wildfire that have been reviewed under the federal NEPA if the primary role of a state or local agency is providing funding or staffing for those projects (see Section 1.5 in Attachment A).

Lead Agency Contact Person: Patrick Talbott Area Code/Telephone/Extension: 916-263-2297

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [] Yes [] No

Signature: [Signature] Date: [Date] Title: Federal Program Branch Chief

- [X] Signed by Lead Agency
[] Signed by Applicant
Date received for filing at OPR: _____

Revised 2005

Notice of Exemption

Form D

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) Department of Housing and Community Development
2020 West El Camino Avenue, Suite 200
Sacramento, CA 95833

County Clerk
County of _____

(Address)

Project Title: NDRC Fuel Breaks Project

Project Location - Specific:

See Section 1.1 in Attachment A, and Figure 1, Vicinity Map, in Attachment B

Project Location - City: _____ Project Location - County: Tuolumne

Description of Nature, Purpose and Beneficiaries of Project:

See Sections 1.2 through 1.4 in Attachment A

Name of Public Agency Approving Project: Department of Housing and Community Development

Name of Person or Agency Carrying Out Project: The USFS Stanislaus National Forest (STF)

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Section 15304, Class 4, Minor Alterations to Land
[X] Statutory Exemptions. State code number: Public Resources Code Section 4799.05(d)(1)

Reasons why project is exempt:

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Lead Agency
Contact Person: Patrick Talbott Area Code/Telephone/Extension: 916-263-2297

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [] Yes [] No

Signature: _____ Date: _____ Title: _____

[X] Signed by Lead Agency

[] Signed by Applicant

Date received for filing at OPR: _____

Revised 2005

Attachment A

Additional Information

1.1 PROJECT LOCATION

The project is in the western Sierra Nevada in Tuolumne County, California. The project area consists of eight distinct fuel breaks located between Wagner Ridge in the south and State Highway 108 in the north (Figure 1, Vicinity Map, in Attachment B). The size and location by Township (T), Range (R), Mount Diablo Meridian for each fuel break is listed in Table 1.

Table 1
 LOCATION AND SIZE BY FUEL BREAK

Fuel Break	Approximate Size (acres)	USGS Quadrangle	Township, Range and Section
Highway 108	125.7	Twain Harte	T03N, R16E, Sections 25, 34-36 and T02N, R16E, Sections 3-4
Contingency North	102.5	Twain Harte	T02N, R16E, Sections 1, 2, 10, 11, 14, 15
Contingency South	85.6	Twain Harte/Tuolumne	T02N, R16E, Sections 21, 28, 33, 34
Paper Cabin	214.9	Tuolumne	T01N, R16E, Section 20, 21, 27-29
Rim Truck East	405.2	Tuolumne/Groveland/Jawbone Ridge	T01S, R16E, Section 1-4, 12, 25 and T01S, R17E, Sections 7, 17, 18, 20, 28, 33
Corcoran	108	Moccasin	T01S, R15E, Sections 11, 12, 14, 23
Long Shanahan	404.5	Groveland	T01S, R16 E, Section 25, 26, 35, 36 and T01S, R17E, Section 19, 20, 29, 30, 31 and T02 S, R16E, Section 2 and T02S, R17E, Section 5, 6
Wagner Ridge	362	Groveland	T01S, R16E, Section 27, 28, 29, 33, 34, 35, 36 and T02S, R16E, Section 1, 2 and T02 S, R17 E, Section 5-8

1.2 PROJECT BACKGROUND

The proposed project consists of expanding a series of shaded fuel breaks in Tuolumne County on federal lands (U.S. Department of Interior Bureau of Land Management [BLM]- and U.S. Department of Agriculture Forest Service [USFS]-administered land), private lands, and lands controlled by State and local agencies. The project is a collaborative effort under the oversight of the State of California Department of Housing and Community Development (HCD) and Sierra Nevada Conservancy (SNC). The USFS Stanislaus National Forest (STF) would be implementing the fuel break activity and California Department of Forestry and Fire Protection (CAL FIRE) staff would be providing support and facilitating STF implementation activities.

The proposed project is part of the Community Watershed Resilience Program (CWRP), which consists of three interconnected sets of activities in Tuolumne County for resilient recovery from the 2013 Rim Fire. The CWRP is funded by the U.S. Department of Housing and Urban Development, and its activities will assist in community recovery efforts and building resiliency to future disaster. The three sets of activities comprised by the CWRP are: (1) Forest and Watershed Health Projects, including a system of strategic fuel breaks to protect communities from future wildfire; (2) Community Resilience Centers that provide shelter and necessary services in the event of a disaster; and (3) Biomass Utilization Facility Projects that utilize forest byproducts. The proposed project is a Forest and Watershed Health Project activity under the CWRP, which is a collaborative effort between the SNC, USFS, and CAL FIRE to restore and protect the Tuolumne River watershed.

The proposed project requires analysis pursuant to the National Environmental Policy Act (NEPA) because it is partially on federal land, and because implementation is financed with federal funds from the Community Development Block Grant Program NDRC. Review pursuant to the California Department of Environmental Quality Act (CEQA) is required because the project would partially occur on private lands, and lands controlled by State and local agencies, and because HCD is taking a discretionary action to fund the project activities.

1.3 PURPOSE AND NEED

The purpose of the project is to protect communities in Tuolumne County from wildfire and to minimize the spread of fires originating in developed areas while supporting fire resilient landscapes

The shaded fuel breaks proposed in this project are needed to:

1. Reduce the threat of large, high severity wildfires to communities. These strategically placed fuel breaks would interrupt potential fire spread into the Wildland Urban Interface (WUI).
2. Provide treated areas with low fuel for fire crews to work from and more quickly stop fire spread.
3. Provide safer ingress and egress routes for the public and firefighters during a fire.
4. Protect critical wildlife habitat and forests from wildfires.

1.4 PROPOSED ACTION

The project would reduce ladder fuels and establish eight 300-foot-wide shaded fuel breaks totaling 22 linear miles. The project covers approximately 1,808.4 acres, approximately 882.6 acres of USFS (STF) lands, 161.3 acres of BLM lands, 46.2 acres

of State and local agency lands and/or easements, and 718.3 acres of private lands. Most of the areas proposed for treatment would expand existing fuel breaks. Treatments would begin in 2020 and be completed in 2021.

Treatment prescriptions will be determined for a given area based on vegetation characteristics, proximity to residences and infrastructure, slope, and the presence of sensitive resources. The treatments may include a combination of hand or machine felling of trees, mechanical or hand piling and pile burning, and masticating brush and smaller trees. All standing and fallen dead trees would be treated.

Where economically feasible, on USFS lands, timber would be harvested and removed under a USFS timber contract. On BLM lands, all live and dead trees to be treated would be assessed for highest and best use, and if BLM chooses to not extract the material due to a balance of economic, ecological, and public safety reasons, it would be piled and burned. No timber would be sold from private properties in the project area.

Selected live trees less than 12-inches diameter at breast height (dbh) would be treated and trees up to 16 inches dbh may be extracted from USFS and BLM lands where a timber sale is feasible and required to meet desired spacing and reduction of ladder fuels. The residual trees would be spaced to break up the vertical and horizontal continuity of the fuels, reduce crown contact to less than 10 percent, and to achieve an average crown spacing of between 5 feet and one full crown width. Removal of oaks would generally be avoided.

1.4.1 Mechanical Treatments

Mechanical Mastication

Masticators would be used to grind and chip small diameter trees and brush to increase horizontal spacing of residual trees and remove ladder fuels.

Machine Piling

Bulldozers or grapple pilers may be used to pile small trees and brush for future burning. Piles will be a minimum of 25 feet from residual trees and free of soil to the greatest extent possible. Piles would be constructed at least 25 feet from any sensitive areas such as archaeological sites and all drainages. Piling would include all down logs and standing dead trees. Bulldozers may also be used to rehabilitate staging areas, skid trails, and landings by ripping to reverse the effects of soil compaction.

Ground-Based Extraction

If timber is harvested, it would be only conducted on portions of USFS and/or BLM lands. Conventional logging equipment would be used, which may include feller bunchers and rubber tire skidders. Existing landings along fuel breaks and roads would be used to minimize impacts where possible. Live trees up to 16 inches dbh would be

removed if they are ladder fuels and/or if the desired shaded fuel break structure cannot be attained through the removal of smaller trees and brush alone.

On BLM lands, all potential timber and biomass would be assessed by BLM Forester and sold for highest and best use or disposal, at the discretion of the BLM, by use of BLM permit or contract. Trees deemed too small or defective for timber must be assessed for firewood or biomass use (biomass fuel, particle board, or other non-timber forest product). Whether or not the material is transported, the proponent would still estimate the total green tons cut, to be reported to the BLM.

1.4.2 Hand Treatments

Hand treatments include using chainsaws to cut brush and trees. Hand treatments would primarily be used on steep slopes (generally, slopes greater than 35 percent with pitches up to 40 percent) and other areas where equipment use is not appropriate or possible. Hand piles would be created for burning at a later time and the same buffers listed above would apply. If needed, hand lines would be created around burn piles to increase control over pile burning.

1.4.3 Pile Burning

Pile burning is proposed as a follow-up treatment and would be conducted in accordance with all state and federal laws including air quality regulations and a site-specific burn plan would be developed for the project.

1.4.4 Herbicide Treatments (USFS Lands Only)

On USFS lands only, future maintenance of recolonizing vegetation would be done with the herbicide glyphosate. Directed herbicide applications would target only brush species that could create ladder fuel into the overstory trees and/or high fuel loading within these areas. This would include most ceanothus species and other taller/sprouting species such as manzanita. Herbicides could be used up to three times over a 10-year period after implementation of the initial treatments and would be applied by hand.

1.4.5 Management Requirements and Design Criteria

The proposed treatments were developed by CAL FIRE and the STF, in accordance with the management direction contained in the Stanislaus National Forest Land and Resource Management Plan (STF LRMP; 1991), as amended. Incorporation of the applicable management requirements as design criteria are standard practice by STF to meet the goals and objectives for management of the Forest. While the proposed project also includes non-USFS lands, the project is being implemented as a cooperative effort. Therefore, the management requirements and design criteria identified by the STF would apply for the entire project and are incorporated into the project design. Additional management requirements and design criteria specific to actions on BLM lands are also included to address possible timber harvest on BLM

lands. Standards and guidelines pertinent to resources with the potential to be affected by the project are presented below:

Sensitive Wildlife Species

General Special-Status Species

Notify the District wildlife biologist if any special-status species is discovered during project implementation so that protective measures can be applied, if needed.

Foothill Yellow-Legged Frog and Western Pond Turtle

1. Within 165 feet of Big Creek and 150 feet of Hell's Hollow Creek:
 - a. Pre-implementation surveys by a qualified biologist shall be conducted within 14 days prior to all implementation activities or during the breeding season prior to implementation within the 165-foot buffer of Big Creek in the Long Shanahan Fuel Break.
 - b. No equipment shall be allowed to cross Big Creek.
 - c. Hand felling, hand-piling, and end-lining may be conducted at any time once a qualified biologist confirms foothill yellow-legged frog (*Rana boylei*; FYLF) are not present. If FYLF are present, the aquatic biologist will consult with California Department of Fish and Wildlife (CDFW) on appropriate monitoring and protection requirements prior to operations beginning. No mechanical felling within the buffers.
 - d. Avoid working within the 165-foot buffer of Big Creek after the first major rains in the fall when FYLF, if present, may be moving upslope toward tributaries and overwintering sites. Work may resume within five days after.
 - e. Preference is to hand-pile and burn or end-line material. Burning will only take place when water is in the creek because FYLF and western pond turtles are very likely to be in aquatic habitats and away from burn piles when water is present. If hand-piling or end-lining are not practicable, mechanical piling equipment may be used, but only when water is in the creek. Limit the number of paths used by mechanical piling equipment to the minimum amount necessary to achieve the objective.
2. If FYLF or western pond turtle are observed within the project area, inform the project aquatic biologist of the sighting immediately and cease operations that may impact the animal. The frog will be allowed to leave the work area on its own. The aquatic biologist will notify CDFW within 24 hours if FYLF is found. No FYLF will be handled without first contacting CDFW.

California Mountain Kingsnake

1. Any California mountain kingsnake encountered in the project site during project activities will not be harassed and will be allowed to leave the area of its own accord. A qualified biologist may handle a snake in order to relocate it out of the project site.

Nesting Birds

1. Pre-implementation surveys for northern goshawk, great gray owl, and California spotted owl will be conducted by a qualified biologist prior to implementation when vegetation treatments are planned in suitable nesting habitat during the breeding season (see species specific dates below).
 - a. For the northern goshawk, maintain a Limited Operating Period (LOP) prohibiting vegetation treatments within 0.25 miles of active nests during the breeding season (February 15 to September 15).
 - b. For the great gray owl and the California spotted owl, maintain a LOP prohibiting vegetation treatments within 0.25 miles of active nests during the breeding season (March 1 to August 15).
 - c. The LOPs described above may be waived on a case by case basis if a biologist determines that breeding disturbance is unlikely to occur given the intensity, duration, timing, and specific location of the project activity.
2. Native birds and active nests that are discovered during the above-mentioned nesting bird surveys or during implementation will not be taken, possessed, or destroyed.
3. BLM Managed Lands: As feasible, project implementation on BLM lands will occur between September 16 to February 14 to avoid disrupting nesting birds or their nests during the breeding season. Should project activities occur on BLM lands during the breeding season (February 15 to September 15), a qualified biologist will first survey the project area for migratory birds. The surveys will be conducted within 14 days prior to implementation of the work. If the area surveyed has not been treated within 14 days, the area must be surveyed again. If birds protected under the Migratory Bird Treaty Act are found nesting in the project site, a 100-foot buffer will be established to avoid disturbance of the nests. The qualified biologist will mark sites to be avoided during vegetation removal or will be on-site during the work. Management requirements and design criteria applicable to the project for protecting raptors and other native birds will apply.

Special-Status Plants

1. Botanical surveys will be conducted during the appropriate blooming season prior to project implementation in suitable habitat that occurs in areas that were not included in the 2019 botanical surveys (e.g., private properties that did not grant permission to enter in 2019).
2. All known sensitive plant occurrences will be flagged for avoidance prior to project implementation. Notify the STF District botanist of any new sensitive plant occurrences discovered during project implementation.
3. Place all burn piles a minimum of 25 feet from known sensitive plant occurrences.

Riparian Conservation Areas and Jurisdictional Waters

1. Table 2 identifies mechanized equipment requirements.
2. No staging, fueling, maintenance, or cleaning of vehicles, equipment, or tools will take place inside a Riparian Conservation Area as defined in Table 2 below.

Noxious Weeds

1. Standard USFS contract provisions for equipment cleaning are applied to mechanized activities, including washing of heavy equipment prior to its arrival at the work site and following completion of work in known infested areas. This serves to reduce the risk of import/export of weed propagules to/from the project site resulting in spread of existing weed populations. All heavy equipment brought to this project that leaves roads must be free of soil, mud (wet or dried), seeds, vegetative matter, or other debris that could contain seeds or propagules. Dust or light dirt is not a concern.
2. Flagged weed populations will be avoided by project activities where feasible, and if unavoidable the weeds will be treated prior to contract initiation. If practicable, burn piles will be placed in existing weed populations to reduce the risk of weed propagules being introduced to adjacent weed-free locations and to suppress the regrowth of weeds.

Table 2
OPERATING REQUIREMENTS FOR MECHANIZED EQUIPMENT OPERATIONS IN RIPARIAN CONSERVATION AREAS

Stream Type ¹	Zone	Width (feet)	MECH ²	SKID ³	Operating Requirements
PER/INT/SAF	Exclusion ⁴	0-15	Prohibited	Prohibited	N/A
PER/INT/SAF	Exclusion	15-50	Allowed	Prohibited	N/A
PER/INT/SAF	Transition	15-50	Allowed	Prohibited	Remove operation-created debris from stream channels unless prescribed for resource benefit. Retain remaining obligate riparian shrubs and trees (e.g., willows, alder, aspen). Do not damage streambanks with equipment and retain sufficient vegetation to maintain streambank stability.
PER/INT/SAF	Transition	50-100	Allowed	Allowed	Use existing skid trails except where unacceptable impact will result. The number of crossings should not exceed an average of two per mile.
PER/SAF	Outer	100-300	Allowed	Allowed	Density and intensity of skid trails will gradually increase as distance increases from the Transition Zone.
INT	Outer	100-150	Allowed	Allowed	Density and intensity of skid trails will gradually increase as distance increases from the Transition Zone.
EPH	Exclusion ⁵	0-15	Prohibited	Prohibited	N/A
EPH	Exclusion	15-25	Allowed	Prohibited	N/A
EPH	Transition	25-50	Allowed	Allowed	The number of crossings should not exceed an average of three per mile.

- ¹ PER=Perennial; INT=Intermittent; EPH=Ephemeral; SAF=Special Aquatics Features (lakes, meadows, bogs, fens, wetlands, vernal pools, and springs).
- ² MECH=Mechanical Harvesting or Shredding (low ground pressure track-laying machines such as feller bunchers and masticators).
- ³ SKID=Skidding (rubber-tired skidders and track laying tractors).
- ⁴ The exclusion zone for perennial/intermittent streams starts at: A. The edge of the active channel where slopes rise uniformly from the stream, or at the outer edge of the following features, whichever is the furthest from the stream. B. The first slope-break adjacent to the stream (e.g., stream bank, inner gorge). C. Flat or nearly flat ground adjacent to the channel (e.g., floodplain or terrace). D. Obligate riparian shrub and/or tree communities associated with any of the above. The exclusion zone for SAFs begins at: A. The outer edge of obligate trees, shrubs or herbaceous plants in wet meadows, bogs, fens and springs, or the high-water line of lakes and vernal pools. B. The top of the first slope-break immediately adjacent to the special aquatic feature if further than the obligate vegetation or high-water line.
- ⁵ The exclusion zone for ephemeral streams begins at the edge of the channel where slopes rise uniformly or at the edge of the stream bank, whichever is furthest from the stream.

Cultural Resources

1. The following Standard Protection Measures from Appendices E and H of the 2013 Forest Service Region 5 Programmatic Agreement will be implemented for all cultural sites documented in the project site (resources of interest):

Flag and Avoid:

- a. Property location conveyed to contractors and employees responsible for implementation; flag for avoidance/protection (Regional PA Standard Protection Measure E.1).
 - b. All cultural properties within the Area of Potential Effects (APEs) shall be clearly delineated prior to implementing any associated activities that have the potential to affect historic properties. (1) Cultural property boundaries shall be delineated with coded flagging and/or other effective marking (Regional PA Standard Protection Measure E.1.3).
 - c. Monitoring by Heritage Program Specialist required when work is required within cultural sites (Regional PA Standard Protection Measure E.1.5).
 - d. Vegetation to be burned shall not be piled within the site boundary unless locations have been specifically approved by qualified Heritage Program staff (Regional PA Standard Protection Measure E.2.2(b)(1)(H)).
 - e. Trees may be directionally felled away from flagged cultural properties.
2. In accordance with Appendix H.3.1(b) of the Regional PA, inventory efforts in areas of the project site of impenetrable brush or obscured visibility were deferred until after project implementation. As required by and in accordance with the Regional PA, after implementation and within one year of completion of the project activities, the STF will survey areas, determined to be warranted based on the area's historic property sensitivity, that have been cleared of the brush or that have improved visibility. The timing of the surveys will be based on the progress of the implementation in contingent locations so that new surveys can be grouped together as much as possible. The Field Operator will inform the STF Heritage Program Manager (HPM)/Delegated Heritage Program Staff (DHPS) of various stages of the project so that subsequent field work can proceed in a timely fashion.
 3. Prior to project implementation in areas that were not included in the 2019 cultural resource surveys for the project (e.g., private properties that did not grant permission to enter in 2019), protocol-level cultural resource surveys will be conducted by a qualified archaeologist. Standard Protection Measures will apply for any resources that are located.

4. Should any previously unrecorded cultural resources be encountered during project implementation, all work will immediately cease in that area and the STF HPM will be notified immediately. Work may resume after approval by the STF HPM providing any Standard Protection Measures are implemented. Should any cultural resources become damaged in unanticipated ways by project activities, the steps described in the Regional PA for inadvertent discoveries will be followed.

Noise

1. Except where the Field Operator has determined that no disturbance will result to the occupants of dwellings, the use of power equipment and machinery within 300 feet of an occupied structure will be restricted to between the hours of 7:00 a.m. and 7:00 p.m., and will be prohibited on Saturdays, Sundays, and nationally designated legal holidays. This requirement may be waived by the effected property owner(s).

Timber Harvest on BLM Lands

If a BLM Forester determines that a timber harvest is warranted on BLM-managed lands, the following design criteria will apply:

1. Skid Trails
 - a. A designated trail network will be used for ground-based harvesting equipment. The network will incorporate existing skid trails over creating new trails and will consider proper spacing, skid trail direction and location relative to terrain and stream channel features. Old skid trails will not be opened or driven on without the approval of the Field Operator.
 - b. Skid trails will be designated in locations that channel water from the trail surface away from waterbodies, floodplains, and wetlands, or unstable areas adjacent to them.
 - c. Erosion control measures will be applied at skid trails and other disturbed areas with potential for erosion and subsequent sediment and silt delivery to waterbodies, floodplains, or wetlands. These practices may include mulching, water barring, tillage, and woody debris placement.
 - d. Main skid trails will be blocked where they intersect roads and landings with an approved barricade and/or scattered slash to preclude OHV use.
 - e. Designated skid roads will be used to limit soil compaction to less than 12 percent of the project area.
 - f. Skid trails will be located to minimize disturbance to coarse woody debris. Where skid trails encounter large coarse woody debris, either the log will

be moved out of the way, or a section will be bucked out for equipment access. All sections will remain on site and as undisturbed as possible.

- g. Low psi, wide-track vehicles or one-pass operations (one round trip, in and out) will be required for all mechanical harvester (includes felling and bunching) operations. For multiple passes, equipment must walk on at least 12 inches of slash for equipment greater than 6 pounds per square inch or at least 8 inches of slash for equipment less than 6 pounds per square inch. Mechanized equipment must be capable of reaching 20 feet.
- h. Specific locations of logging operations must be approved by the STF HPM and BLM Archaeologist prior to skidding of material.

2. Landings and Hauling

- a. Existing landings and turnouts along fuel breaks and roads will be used to minimize impacts wherever possible, or at locations pre-approved by the STF HPM and BLM Archaeologist.
- b. During hauling operations, water will be applied when necessary to reduce dust and buildup of fine sediment that can enter into waterways. No surface water will be drafted for dust control.

3. Restore Existing Roads

- a. Following completion of treatments, existing public and private gravel roads used for project activities would be restored to pre-project conditions. Contractors will be required to document existing conditions of gravel roads planned for project use prior to project initiation and will document restoration of these conditions following project completion.

4. Waterbars

- a. Spacing and construction of waterbars on skid trails and any other location deemed necessary by BLM will be based on gradient and erosion class in compliance with standard BLM guidelines.
- b. The following techniques will be used to construct waterbars:
 - i. Open the downslope end of the waterbar to allow free passage of water.
 - ii. Construct the waterbar so that it will not deposit water where it will cause erosion.
 - iii. Compact the waterbar to prevent water from breaching the berm.

- iv. Skew waterbars no more than 30 degrees from perpendicular to the centerline of the trail or road.

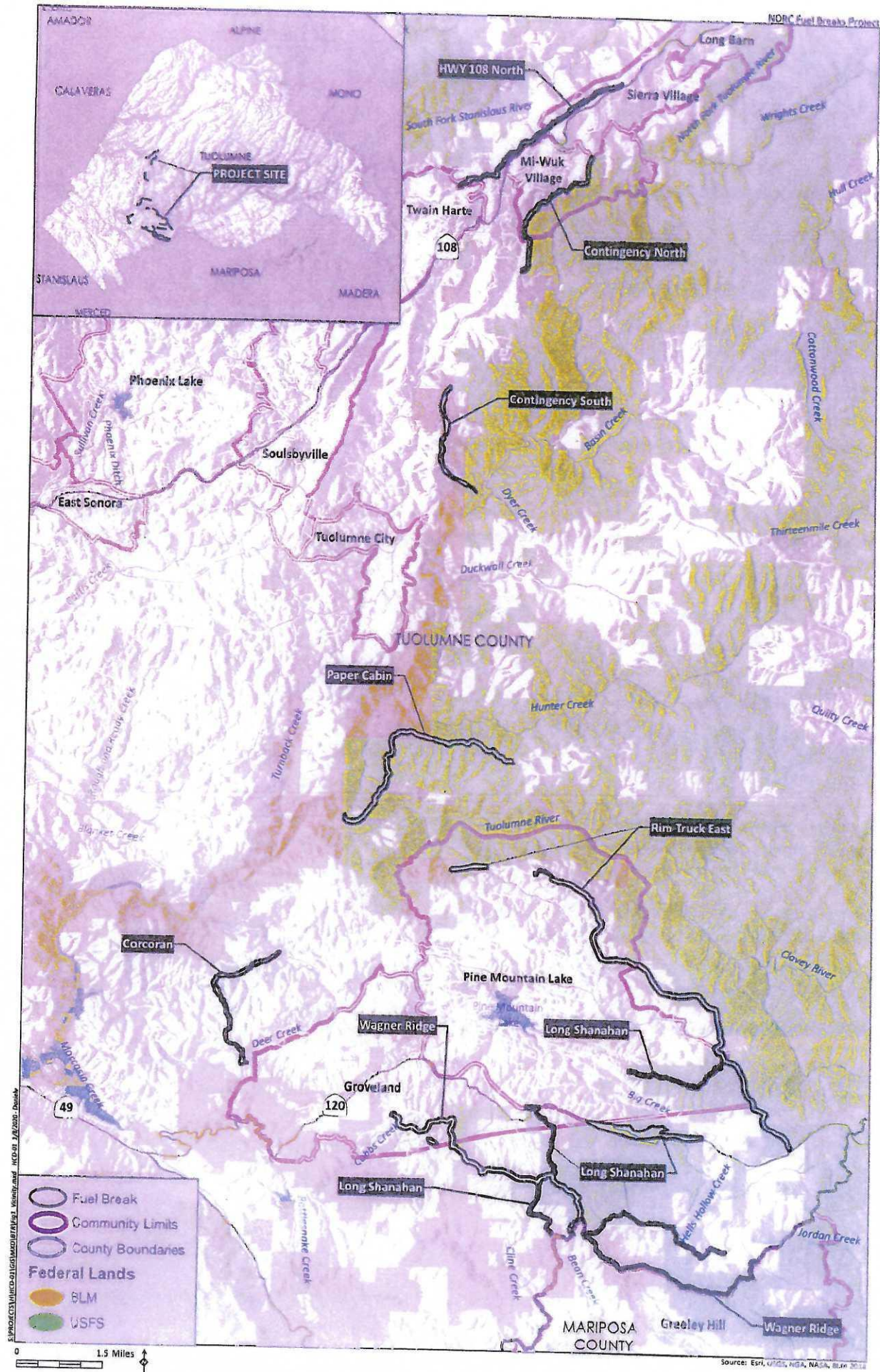
1.5 REASONS WHY PROJECT IS EXEMPT

The project falls under Categorical Exemption Class 4, Minor Alterations to Land (State CEQA Guidelines Section 15304). This exemption applies to projects that are minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. The proposed project consists of removing small trees and understory vegetation, and dead trees, in support of a fire resilient landscape on private and public lands. The alterations to the vegetation would be minor, and would not involve removal of healthy, mature, or scenic trees.

Portions of the project on federal land are exempt from CEQA pursuant to Public Resources Code Section 4799.05(d)(1) amended by Senate Bill 901. Under this exemption, CEQA does not apply to prescribed fire, thinning, or fuel reduction projects undertaken on federal lands to reduce the risk of high-severity wildfire that have been reviewed under NEPA if the primary role of a state or local agency is providing funding or staffing for those projects. HCD has obtained funding from the Community Development Block Grant Program NDRC and will provide it in partnership with the SNC and CAL FIRE to the USFS to reduce forest fuels on 1,045 acres of federal land in the STF and BLM. The project includes approximately 882.6 acres of USFS (STF) lands and 161.3 acres of BLM lands. The actions to be undertaken by this project on federal lands were analyzed in their entirety pursuant to NEPA through an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) and Request for Release of Funds and Certification was signed by the HCD as the NEPA Responsible Entity on behalf of the U.S. Department of Housing and Urban Development (HUD) on May 1, 2020. HUD issued an Authority to Use Grant Funds on May 20, 2020. Furthermore, STF filed a Decision Memo for the actions on USFS lands on March 11, 2020. BLM also completed an Environmental Assessment for actions on BLM lands and signed a FONSI on May 15, 2020.

Attachment B

Figure





DEPARTMENT OF FORESTRY AND FIRE PROTECTION

COOPERATIVE AGREEMENT/LICENSE

For Prevention and Suppression of Forest Fires

CAL FIRE 719 (07/15) (page 1 of 2)

CAL FIRE # 2T199695-03

(No. assigned by HQ TS, Lands Unit)

PROJECT	Hwy 108 North	COUNTY	Tuolumne
Designated LICENSOR (Controls/Owns Prop.)	CA Department of Transportation	Designated LICENSEE: Real Property Manager	Department of Forestry and Fire Protection
AUTHORITY CITED:	<p><u>Public Resources Code 4141.</u> The Department may, for the prevention and suppression of forest fires, enter into cooperative agreements with any person, firm, association, or corporation that owns or controls any forest, brush, grass, or grain lands, under such terms as the Department deems advisable, and may renew, revise, or terminate these agreements.</p> <p><u>Government Code 14662.5.</u> In any agreement entered into whereby the state obtains a grant of easement, lease, license, right-of-way entry (including without limitation, a right-of-way, or right of entry on or over property of any railroad), the state agency or its director entering into the agreement on behalf of the state may agree to indemnify and hold harmless the grantor, lessor, or licensor and may agree to repair or pay for any damage proximately caused by reason of the uses authorized by such easement, lease, license, right-of-way, or right of entry agreement.</p>		

THIS AGREEMENT: (dated for reference purposes, 8/29/19)

By and between LICENSOR and LICENSEE, named above, in consideration of public services to be performed by LICENSEE for the prevention and suppression of forest fires, hereby licenses to the LICENSEE, use of the property under the ownership and/or control of LICENSOR, described as follows:

PROPERTY DESCRIPTION <i>Provide address, APN and/or portion of Section/Township/Range, and/or other identifier(s):</i>	Map Parcel # 4
PURPOSE	Said Agreement on the above described premises will be as follows: U.S Forest Service and CAL FIRE personnel will access the property in order to prepare and administer a contract to create a shaded fuel break. Private contractors will masticate, mechanically pile and burn, hand pile and burn, or chip surface and ladder fuels to create a shaded fuel break approximately 300-feet in width. Brush and trees, generally less than 12-inches diameter at breast height, will be removed to create a shaded fuel break condition. Dead trees of any size will be removed. Residual trees will be spaced so crowns are generally not touching. Piles will be burned at a safe time of year, in accordance with a burn permit from the Tuolumne County Air Pollution Control District, in a manner that minimizes scorch to residual trees.
SUBJECT TO	<p>To the extent that they can legally do so, both parties to this agreement agree to hold each other harmless against any and all claims for injury to the person or damage to the property, arising from the uses herein stated, except where such injury or damage is proximately caused by the negligent or willful acts of others, its servants, agents, or employees.</p> <p>Either Party shall have the right to terminate this Agreement with 90 days written notice, and in event of and prior to such termination, reserves the right to remove any improvement erected by it upon the said premises.</p> <p>Attachments if needed: (Total number of pages attached _____, including the following checked items)</p> <p><input type="checkbox"/> Legal description <input type="checkbox"/> Location map <input type="checkbox"/> Site plan <input type="checkbox"/> Other</p>

LICENSOR:	LICENSEE:
Signature <u>Nancy Mammee</u>	State of California
Property control type _____	Department of Forestry and Fire Protection
Date <u>11/8/19</u>	Signature <u>James Detloff</u>
	Title <u>Real Property Manager</u>
	Date <u>11/22/19</u>
WITNESS NAME: <u>Ed Z</u>	Date _____
	<u>11/19/2019</u>

ENCROACHMENT PERMIT APPLICANT: CONTRACTOR(S) AUTHORIZATION FORM

DOT TR-0429 (NEW 12/2022)

I/We, the Permittee, hired the following prime contractor(s) to perform the approved encroachment activities under Encroachment Permit # _____ on my/our behalf as agents in accordance with Encroachment Permit General Provision #4 of the Encroachment Permit. I/we have provided a copy of the Encroachment Permit to the prime contractor(s) listed below, and I/we, the Permittee, warrant and represent that the activities related to the Encroachment Permit, whether performed by the Permittee or by any person or entity acting for or on behalf of the Permittee, will be performed in compliance with all terms, conditions, specifications, standards, provisions, and other requirements of the subject Encroachment Permit. The person(s) signing warrant and represent he/she/it/they have authority to agree to and so bind the Permittee to this page.

List of authorized prime contractors for the encroachment permit:

Contractor Name	Scope of work (Traffic Control/civil work etc.)	Contact Person	Contact Person's Information (Phone # and E-mail)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Name of Permittee

Name and Title of Person
Signing for Permittee (Print)

Signature

Date

ENCROACHMENT PERMIT APPLICANT: CONTRACTOR(S) AUTHORIZATION FORM

DOT TR-0429 (NEW 12/2022)

By signing below, the prime contractor entities each acknowledge that they have received a copy of Encroachment Permit # _____ and agree they, and their employees, managers, officers, directors, agents, subcontractors, and suppliers, will comply with, and will perform all activities in accordance with, all terms, conditions, specifications, standards, provisions, and other requirements of the Encroachment Permit, including but not limited to notifying the permit inspector as required in the Encroachment Permit and the lane closure notifications and the Encroachment Permit General Provisions (TR-0045). The person(s) signing on behalf of each prime contractor warrant and represent he/she/it/they have authority to agree to and so bind the named contractor to this paragraph.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____ Name of Prime Contractor	_____ Name and Title of Person Signing for Contractor (Print)	_____ Signature	_____ Date
_____ Name of Prime Contractor	_____ Name and Title of Person Signing for Contractor (Print)	_____ Signature	_____ Date
_____ Name of Prime Contractor	_____ Name and Title of Person Signing for Contractor (Print)	_____ Signature	_____ Date
_____ Name of Prime Contractor	_____ Name and Title of Person Signing for Contractor (Print)	_____ Signature	_____ Date

NOTICE OF COMPLETION

TR-0128 (REV 06/01) CT #75415529-1

PERMIT NO.

- -

Dear Sir or Madam:

*All work authorized by the above-numbered permit was
completed on* _____
DATE

SIGNATURE OF PERMITTEE

FM 92 1546 M

ADA Notice

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ENCROACHMENT PERMIT GENERAL PROVISIONS

TR-0045 (REV. 12/2022)

1. **AUTHORITY:** The California Department of Transportation (“Department”) has authority to issue encroachment permits under Division 1, Chapter 3, Article 1, Sections 660 through 734 of the Streets and Highways Code.
2. **REVOCACTION:** Encroachment permits are revocable on five (5) business days’ notice unless otherwise stated on the permit or otherwise provided by law, and except as provided by law for public corporations, franchise holders, and utilities. Notwithstanding the foregoing, in an emergency situation as determined by the Department, an encroachment permit may be revoked immediately. These General Provisions and any applicable Special Provisions are subject to modification or abrogation by the Department at any time. Permittees’ joint use agreements, franchise rights, reserved rights or any other agreements for operating purposes in State of California (“State”) highway right-of-way may be exceptions to this revocation.
3. **DENIAL FOR NONPAYMENT OF FEES:** Failure to pay encroachment permit fees when due may result in rejection of future applications, denial of encroachment permits, and revocation of the encroachment permit if already issued.
4. **PERMITTEE AUTHORIZATION FOR OTHERS TO PERFORM WORK:** This encroachment permit allows only the Permittee and/or Permittee’s authorized contractor or agent to work within or encroach upon the State highway right-of-way, and the Permittee may not assign or transfer this encroachment permit. Any attempt to assign or transfer this encroachment permit shall be null and void. Permittee shall provide to the Department a list of Permittee’s authorized contractors/agents, in the form and at the time specified by the Department but if no time is specified then no later than the pre-construction meeting. Permittee shall keep the list current and shall provide updates to the Department immediately upon any change to the list of authorized contractors/agents, including but not limited the addition, removal, or substitution of an authorized contractor/agent, or a new address or contact information for an existing authorized contractor/agent. Permittee is responsible for the acts and/or omissions of any person or entity acting on behalf of the Permittee, even if such person or entity is not included on Permittee’s list of authorized contractors and/or agents.
5. **ACCEPTANCE OF PROVISIONS:** Permittee, and the Permittee’s authorized contractors and/or agents, understand and agree to accept and comply with these General Provisions, the Special Provisions, any and all terms and/or conditions contained in or incorporated into the encroachment permit, and all attachments to the encroachment permit (collectively “the Permit Conditions”), for any encroachment, work, and/or activity to be performed under this encroachment permit and/or under color of authority of this encroachment permit. Permittee understands and agrees the Permit Conditions are applicable to and enforceable against Permittee as long as the encroachment remains in, under, or over any part of the State highway right-of-way. The Permittee’s authorized contractors and/or agents, are also bound by the Permit Conditions. Non-compliance with the Permit Conditions by the Permittee’s authorized contractor and/or agent will be deemed non-compliance by the Permittee.
6. **BEGINNING OF WORK:** When traffic is not impacted (see General Provision Number 35), the Permittee must notify the Department’s representative two (2) business days before starting permitted work. Permittee must notify the Department’s representative if the work is to be interrupted for a period of five (5) business days or more, unless otherwise agreed upon. All work must be performed on weekdays during regular work hours, excluding holidays, unless otherwise specified in this encroachment permit.
7. **STANDARDS OF CONSTRUCTION:** All work performed within State highway right-of-way must conform to all applicable Departmental construction standards including but not limited to: Standard Specifications, Standard Plans, Project Development Procedures Manual, Highway Design Manual and Special Provisions.
Other than as expressly provided by these General Provisions, the Special Provisions, the Standard Specifications, Standard Plans, and other applicable Departmental standards, nothing in these General Provisions is intended to give any third party any legal or equitable right, remedy, or claim with respect to the encroachment permit and/or to these General Provisions or any provision herein. These General Provisions are for the sole and exclusive benefit of the Permittee and the Department.
Where reference is made in such standards to “Contractor” and “Engineer,” these are amended to be read as “Permittee” and “Department’s representative,” respectively, for purposes of this encroachment permit.
8. **PLAN CHANGES:** Deviations from plans, specifications, and/or the Permit Conditions as defined in General Provision Number 5 are not allowed without prior approval from the Department’s representative and the Federal Highway Administration (“FHWA”) representative if applicable.
9. **RIGHT OF ENTRY, INSPECTION AND APPROVAL:** All work is subject to monitoring and inspection. The United States, the State, the Department, and the Directors, officers, employees, agents, and/or contractors of the State and/or of the Department, and other state, and federal agencies, and the FHWA, through their agents or representatives, must have full access to highway

ENCROACHMENT PERMIT GENERAL PROVISIONS

facilities/encroachment area, at any and all times for the purpose of inspection, maintenance, activities needed for construction/reconstruction, and operation of the State highway right-of-way.

Upon completion of work, Permittee must request a final inspection for acceptance and approval by the Department. The local public agency Permittee must not give final construction approval to its contractor until final acceptance and approval by the Department is obtained.

10. **PERMIT AT WORKSITE:** Permittee and Permittee's authorized contractors/agents must keep the permit package and current list of authorized contractors/agents, or copies thereof, at the work site at all times and must show such documents upon request to any Department representative or law enforcement officer. If the permit package or current list of authorized contractors/agents, or copies thereof, are not kept and made available at the work site at all times, then all work must be suspended.
11. **CONFLICTING ENCROACHMENTS:** Permittee must yield start of work to ongoing, prior authorized work adjacent to or within the limits of the Permittee's project site. When existing encroachments conflict with Permittee's work, the Permittee must bear all cost for rearrangements (e.g., relocation, alteration, removal, etc.).
12. **PERMITS, APPROVALS, AND CONCURRENCES FROM OTHER AGENCIES AND/OR ENTITIES:** This encroachment permit is invalidated if the Permittee has not obtained all permits, approvals, and concurrences necessary and required by law, including but not limited to those from the California Public Utilities Commission ("CPUC"), California Occupational Safety and Health Administration ("Cal-OSHA"), local and state and federal environmental agencies, the California Coastal Commission, and any other public agency and/or entity having jurisdiction. Permittee is responsible for providing notice of the encroachment to, and obtaining concurrence from, any person or entity (whether public or private) affected by the scope of work described in the encroachment permit, regardless of whether such notice or concurrence is required by law; the Department is not responsible to provide such notice or obtain such concurrence. Permittee warrants all such permits, approvals, and concurrences have been obtained before beginning work under this encroachment permit. The Department may, at the Department's discretion, require the Permittee to demonstrate that Permittee has obtained all such permits, approvals, and concurrences, and Permittee shall demonstrate this at the time and in the manner specified by the Department.
13. **PEDESTRIAN AND BICYCLIST SAFETY:** A safe continuous passageway must be maintained through the work area at existing pedestrian or bicycle facilities. At no time must pedestrians be diverted onto a portion of the street used for vehicular traffic. At locations where safe alternate passageways cannot be provided, appropriate signs and barricades must be installed at the limits of construction and in advance of the limits of construction at the nearest crosswalk or intersection to detour pedestrians to facilities across the street. Attention is directed to Section 7-1.04 "Public Safety," and to Section 12-4.04 "Temporary Pedestrian Access Routes," and to Section 16-2.02 "Temporary Pedestrian Facility," of the Department's Standard Specifications, and to California Vehicle Code section 21760, subdivision (c).
14. **PUBLIC TRAFFIC CONTROL:** The Permittee must provide traffic control protection, warning signs, lights, safety devices, etc., and take all other measures necessary for the traveling public's safety as required by law and/or the Department. While providing traffic control, the needs of all road users, including but not limited to motorists, bicyclists and pedestrians, including persons with disabilities in accordance with the Americans with Disabilities Act, must be an essential part of the work activity.
Lane, Bike Lane, Sidewalk, Crosswalk, and/or shoulder closures must comply with the Department's Standard Specifications and Standard Plans for Temporary Traffic Control Systems & Temporary Pedestrian Access Routes, and with the applicable Special Provisions. Where issues are not addressed in the Standard Specifications, Standard Plans, and/or Special Provisions, the California Manual on Uniform Traffic Control Devices (Part 6, Temporary Traffic Control) must be followed.
15. **MINIMUM INTERFERENCE WITH TRAFFIC:** Permittee must plan and conduct work so as to create the least possible inconvenience to the traveling public (motorized vehicles, unmotorized vehicles such as bicycles, pedestrians, person(s) with disabilities, etc.), such that traffic is not unreasonably delayed.
16. **STORAGE OF EQUIPMENT AND MATERIALS:** The storage of equipment or materials is not allowed within State highway right-of-way, unless specified within the Special Provisions of this encroachment permit. If encroachment permit Special Provisions allow for the storage of equipment or materials within the State highway right-of-way, the equipment and material storage must also comply with Section 7-1.04, Public Safety, of the Department's Standard Specifications.
17. **CARE OF DRAINAGE:** Permittee must provide alternate drainage for any work interfering with an existing drainage facility in compliance with the Department's Standard Specifications, Standard Plans, and/or as directed by the Department's representative.
18. **RESTORATION AND REPAIRS IN STATE HIGHWAY RIGHT-OF-WAY:** Permittee is responsible for restoration and repair of State highway right-of-way resulting from permitted work (Streets and Highways Code, section 670 et seq.).
19. **STATE HIGHWAY RIGHT-OF-WAY CLEAN UP:** Upon completion of work, Permittee must remove and dispose of all scraps, refuse, brush, timber, materials, etc. off the State highway right-of-way. The aesthetics of the highway must be as it was before work started or better.
20. **COST OF WORK:** Unless stated otherwise in the encroachment permit or a separate written agreement with the Department, the Permittee must bear all costs

ENCROACHMENT PERMIT GENERAL PROVISIONS

- incurred for work within the State highway right-of-way and waives all claims for indemnification or contribution from the United States, the State, the Department, and from the Directors, officers, and employees of the State and/or the Department. Removal of Permittee's personal property and improvements shall be at no cost to the United States, the State, and the Department.
21. **ACTUAL COST BILLING:** When specified in the permit, the Department will bill the Permittee actual costs at the currently set Standard Hourly Rate for encroachment permits.
22. **AS-BUILT PLANS:** When required, Permittee must submit one (1) set of folded as-built plans within thirty (30) calendar days after completion and acceptance of work in compliance with requirements listed as follows:
- a) Upon completion of the work provided herein, the Permittee must submit a paper set of As-Built plans to the Department's representative.
 - b) All changes in the work will be shown on the plans, as issued with the permit, including changes approved by Encroachment Permit Rider.
 - c) The plans are to be prominently stamped or otherwise noted "AS-BUILT" by the Permittee's representative who was responsible for overseeing the work. Any original plan that was approved with a Department stamp, or by signature of the Department's representative, must be used for producing the As-Built plans.
 - d) If construction plans include signing or striping, the dates of signing or striping removal, relocation, or installation must be shown on the As-Built plans when required as a condition of the encroachment permit. When the construction plans show signing and striping for staged construction on separate sheets, the sheet for each stage must show the removal, relocation, and installation dates of the appropriate staged striping and signing.
 - e) As-Built plans must contain the Encroachment Permit Number, County, Route, and Post Mile on each sheet.
 - f) The As-Built Plans must not include a disclaimer statement of any kind that differs from the obligations and protections provided by sections 6735 through 6735.6 of the California Business and Professions Code. Such statements constitute non-compliance with Encroachment Permit requirements and may result in the Department retaining Performance Bonds or deposits until proper plans are submitted. Failure to comply may also result in denial of future encroachment permits or a provision requiring a public agency to supply additional bonding.
23. **PERMITS FOR RECORD PURPOSES ONLY:** When work in the State highway right-of-way is within an area under a Joint Use Agreement (JUA) or a Consent to Common Use Agreement (CCUA), a fee exempt encroachment permit is issued to the Permittee for the purpose of providing a notice and record of work. The Permittee's prior rights must be preserved without the intention of creating new or different rights or obligations.
- "Notice and Record Purposes Only" must be stamped across the face of the encroachment permit.
24. **BONDING:** The Permittee must file bond(s), in advance, in the amount(s) set by the Department and using forms acceptable to the Department. The bonds must name the Department as obligee. Failure to maintain bond(s) in full force and effect will result in the Department stopping all work under this encroachment permit and possibly revoking other encroachment permit(s). Bonds are not required of public corporations or privately-owned utilities unless Permittee failed to comply with the provisions and/or conditions of a prior encroachment permit. The surety company is responsible for any latent defects as provided in California Code of Civil Procedure section 337.15. A local public agency Permittee also must comply with the following requirements:
- a) In recognition that project construction work done on State property will not be directly funded and paid by State, for the purpose of protecting stop notice claimants and the interests of State relative to successful project completion, the local public agency Permittee agrees to require the construction contractor to furnish both a payment and performance bond in the local public agency's name with both bonds complying with the requirements set forth in Section 3-1.05 Contract Bonds of the Department's Standard Specifications before performing any project construction work.
 - b) The local public agency Permittee must defend, indemnify, and hold harmless the United States, the State and the Department, and the Directors, officers, and employees of the State and/or Department, from all project construction related claims by contractors, subcontractors, and suppliers, and from all stop notice and/or mechanic's lien claimants. The local public agency also agrees to remedy, in a timely manner and to the Department's satisfaction, any latent defects occurring as a result of the project construction work.
25. **FUTURE MOVING OF INSTALLATIONS:** Permittee understands and agrees to relocate a permitted installation upon notice by the Department. Unless under prior property right or agreement, the Permittee must comply with said notice at the Permittee's sole expense.
26. **ENVIRONMENTAL:**
- a) **ARCHAEOLOGICAL/HISTORICAL:** If any archaeological or historical resources are identified or encountered in the work vicinity, the Permittee must immediately stop work, notify the Department's representative, retain a qualified archaeologist who must evaluate the site at Permittee's sole expense, and make recommendations to the Department's representative regarding the continuance of work.
 - b) **HAZARDOUS MATERIALS:** If any hazardous waste or materials (such as underground storage tanks, asbestos pipes, contaminated soil, etc.) are identified or encountered in the work vicinity, the Permittee must immediately stop work, notify the Department's representative, retain a qualified hazardous

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waste/material specialist who must evaluate the site at the Permittee's sole expense, and make recommendations to the Department's representative regarding the continuance of work.

Attention is directed to potential aerially deposited lead (ADL) presence in unpaved areas along highways. It is the Permittee's responsibility to take all appropriate measures to protect workers in conformance with California Code of Regulations Title 8, Section 1532.1, "Lead," and with Cal-OSHA Construction Safety Orders, and to ensure roadway soil management is in compliance with Department of Toxic Substances Control (DTSC) requirements.

- c) **BIOLOGICAL:** If any regional, state, or federally listed biological resource is identified or encountered in the work vicinity, the Permittee must immediately stop work, notify the Department's representative, retain a qualified biologist who must evaluate the site at Permittee's sole expense, and make recommendations to the Department's representative regarding the continuance of work.

27. **PREVAILING WAGES:** Work performed by or under an encroachment permit may require Permittee's contractors and subcontractors to pay appropriate prevailing wages as set by the California Department of Industrial Relations. Inquiries or requests for interpretations relative to enforcement of prevailing wage requirements must be directed to the California Department of Industrial Relations.

28. **LIABILITY, DEFENSE, AND INDEMNITY:** The Permittee agrees to indemnify and save harmless the United States, the State, the Department, and the Directors, officers, employees, agents and/or contractors of the State and/or of the Department, including but not limited to the Director of Transportation and the Deputy Directors, from any and all claims, demands, damages, costs, liability, suits, or actions of every name, kind, and description, including but not limited to those brought for or on account of property damage, invasion of privacy, violation or deprivation of a right under a state or federal law, environmental damage or penalty, or injury to or death of any person including but not limited to members of the public, the Permittee, persons employed by the Permittee, and/or persons acting on behalf of the Permittee, arising out of or in connection with: (a) the issuance and/or use of this encroachment permit; and/or (b) the encroachment, work, and/or activity conducted pursuant to this encroachment permit, or under color of authority of this encroachment permit but not in full compliance with the Permit Conditions as defined in General Provision Number 5 ("Unauthorized Work or Activity"); and/or (c) the installation, placement, design, existence, operation, and/or maintenance of the encroachment, work, and/or activity; and/or (d) the failure by the Permittee, or by anyone acting for or on behalf of the Permittee, to perform the Permittee's obligations under any part of the Permit Conditions as defined in General Provision Number 5, in respect to maintenance or any other obligation; and/or (e) any change to the Department's property or adjacent

property, including but not limited to the features or conditions of either of them, made by the Permittee or anyone acting on behalf of the Permittee; and/or (f) a defect or obstruction related to or caused by the encroachment, work, and/or activity whether conducted in compliance with the Permit Conditions as defined in General Provision Number 5 or constituting Unauthorized Work or Activity, or from any cause whatsoever. The duty of the Permittee to indemnify and save harmless includes the duties to defend as set forth in Section 2778 of the Civil Code.

It is the intent of the Department and the Permittee that except as prohibited by law, the Permittee will defend, indemnify, and hold harmless as set forth in this General Provision Number 28 regardless of the existence or degree of fault or negligence, whether active or passive, primary or secondary, on the part of: the United States, the State; the Department; the Directors, officers, employees, agents and/or contractors of the State and/or of the Department, including but not limited to the Director of Transportation and the Deputy Directors; the Permittee; persons employed by the Permittee; and/or persons acting on behalf of the Permittee.

The Permittee waives any and all rights to any type of expressed or implied indemnity from or against the United States, the State, the Department, and the Directors, officers, employees, agents, and/or contractors of the State and/or of the Department, including but not limited to the Director of Transportation and the Deputy Directors.

The Permittee understands and agrees to comply with the obligations of Titles II and III of the Americans with Disabilities Act in the conduct of the encroachment, work, and/or activity whether conducted pursuant to this encroachment permit or constituting Unauthorized Work or Activity, and further agrees to defend, indemnify, and save harmless the United States, the State, the Department, and the Directors, officers, employees, agents, and/or contractors of the State and/or of the Department, including but not limited to the Director of Transportation and the Deputy Directors, from any and all claims, demands, damages, costs, penalties, liability, suits, or actions of every name, kind, and description arising out of or by virtue of the Americans with Disabilities Act.

The Permittee understands and agrees the Directors, officers, employees, agents, and/or contractors of the State and/or of the Department, including but not limited to the Director of Transportation and the Deputy Directors, are not personally responsible for any liability arising from or by virtue of this encroachment permit.

For the purpose of this General Provision Number 28 and all paragraphs herein, "contractors of the State and/or of the Department" includes contractors, and their subcontractors, under contract to the State and/or the Department.

This General Provision Number 28 and all paragraphs herein take effect immediately upon issuance of this encroachment permit, and apply before, during, and after the encroachment, work, and/or activity

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contemplated under this encroachment permit, whether such work is in compliance with the Permit Conditions as defined in General Provision Number 5 or constitutes Unauthorized Work or Activity, except as otherwise provided by California law. The Permittee's obligations to defend, indemnify, and save harmless under this General Provision Number 28 take effect immediately upon issuance of this encroachment permit and have no expiration date, including but not limited to situations in which this encroachment permit expires or is revoked, the work or activity performed under this encroachment permit is accepted or not accepted by the Department, the encroachment, work, and/or activity is conducted in compliance with the Permit Conditions as defined in General Provision Number 5 or constitutes Unauthorized Work or Activity, and/or no work or activity is undertaken by the Permittee or by others on the Permittee's behalf.

If the United States or an agency, department, or board of the United States is the Permittee, the first two paragraphs of this General Provision Number 28 (beginning "The Permittee agrees to indemnify..." and "It is the intent of the parties...") are replaced by the following paragraph:

Claims for personal injury, death, or property damage allegedly caused by the negligent or wrongful act or omission of any employee of the United States acting within the scope of their official duties are subject to the Federal Tort Claims Act, as amended, 28 U.S.C. § 1346 and § 2671 et seq. (Chapter 171).

29. **NO PRECEDENT ESTABLISHED:** This encroachment permit is issued with the understanding that it does not establish a precedent.

30. **FEDERAL CIVIL RIGHTS REQUIREMENTS FOR PUBLIC ACCOMMODATION:**

a) As part of the consideration for being issued this encroachment permit, the Permittee, on behalf of Permittee and on behalf of Permittee's personal representatives, successors in interest, and assigns, does hereby covenant and agree that:

i) No person on the grounds of race, color, or national origin may be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

ii) That in connection with the construction of any improvements on said lands and the furnishings of services thereon, no discrimination must be practiced in the selection and retention of first-tier subcontractors in the selection of second-tier subcontractors.

iii) That such discrimination must not be practiced against the public in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation), and operation on, over, or under the space of the State highway right-of-way.

iv) That the Permittee must use the premises in compliance with all other requirements imposed pursuant to Title 15, Code of Federal

Regulations, Commerce and Foreign Trade, Subtitle A. Office of the Secretary of Commerce, Part 8 (15 C.F.R. Part 8) and as said Regulations may be amended.

b) That in the event of breach of any of the above nondiscrimination covenants, the State and the Department have the right to terminate this encroachment permit and to re-enter and repossess said land and the facilities thereon and hold the same as if said permit had never been made or issued.

31. **MAINTENANCE:** The Permittee is responsible at Permittee's sole expense for the encroachment, and the inspection, maintenance, repair, and condition thereof, and is responsible to ensure the encroachment does not negatively impact State highway safety, maintenance, operations, construction, State facilities, activities related to construction/reconstruction, or other encroachments. The Permittee's obligations in the preceding sentence take effect immediately upon issuance of this encroachment permit and continue until the encroachment is entirely and permanently removed. Additional encroachment permits or approval documents may be required authorizing work related to inspection, repair, and/or maintenance activities. Contact the Department for information.

32. **SPECIAL EVENTS:** In accordance with subdivision (a) of Streets and Highways Code section 682.5 and 682.7, the Department is not responsible for the conduct or operation of the permitted activity, and the applicant agrees to defend, indemnify, and hold harmless the United States, the State, the Department, and the Directors, officers, employees, agents, and contractors of the State and/or of the Department, including but not limited to the Director of Transportation and the Deputy Directors, from any and all claims, demands, damages, costs, liability, suits, or actions of every name, kind and description arising out of any activity for which this encroachment permit is issued.

The Permittee is required, as a condition of this encroachment permit, for any event that awards prize compensation to competitors in gendered categories, for any participant level that receives prize compensation, to ensure the prize compensation for each gendered category is identical at each participant level. (Streets and Highways Code, section 682.7.)

The Permittee understands and agrees to comply with the obligations of Titles II and III of the Americans with Disabilities Act in the conduct of the event, and further agrees to defend, indemnify, and save harmless the United State, the State and the Department, and the Directors, officers, and employees of the State and/or Department, including but not limited to the Director of the Department and the Deputy Directors, from any and all claims, demands, damages, costs, liability, suits, or actions of every name, kind and description arising out of or by virtue of the Americans with Disabilities Act.

33. **PRIVATE USE OF STATE HIGHWAY RIGHT-OF-WAY:** State highway right-of-way must not be used for private purposes without compensation to the State. The gifting

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of public property uses and therefore public funds is prohibited under the California Constitution, Article XVI, Section 6.

34. **FIELD WORK REIMBURSEMENT:** Permittee must reimburse the Department for field work performed by or on behalf of the Department to correct or remedy issues created by the Permittee or by others acting on behalf of the Permittee, including but not limited to hazards or damaged facilities, or to clear refuse, debris, etc. not attended to by the Permittee or by others acting on behalf of the Permittee.
35. **LANE CLOSURE REQUEST SUBMITTALS AND NOTIFICATION OF CLOSURES TO THE DEPARTMENT:** Lane closure request submittals and notifications must be in accordance with Section 12-4.02, and Section 12.4-04, of the Department's Standard Specifications or as directed by the Department's representative. The Permittee must notify the Department's representative and the Traffic Management Center ("TMC") before initiating a lane closure or conducting an activity that may cause a traffic impact. In emergency situations when the corrective work or the emergency itself may affect traffic, the Department's representative and the TMC must be notified as soon as possible.
36. **SUSPENSION OF TRAFFIC CONTROL OPERATION:** The Permittee, upon notification by the Department's representative, must immediately suspend all traffic lane, bike lane, sidewalk, crosswalk, and/or shoulder closure operations and any operation that impedes the flow of traffic. All costs associated with this suspension must be borne by the Permittee.
37. **UNDERGROUND SERVICE ALERT (USA) NOTIFICATION:** Any excavation requires compliance with the provisions of Government Code section 4216 et seq., including but not limited to notice to a regional notification center, such as Underground Service Alert (USA). The Permittee must provide notification to the Department representative at least five (5) business days before, and the regional notification center at least forty-eight (48) hours before, performing any excavation work within the State highway right-of-way.
38. **COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA):** All work within the State highway right-of-way to construct and/or maintain any public facility must be designed, maintained, and constructed strictly in accordance with all applicable Federal Access laws and regulations (including but not limited to Section 504 of the Rehabilitation Act of 1973, codified at 29 U.S.C. § 794), California Access laws and regulations relating to ADA, along with its implementing regulations, Title 28 of the Code of Federal Regulations Parts 35 and 36 (28 C.F.R., Ch. I, Part 35, § 35.101 et seq., and Part 36, § 36.101 et seq.), Title 36 of the Code of Federal Regulations Part 1191 (36 C.F.R., Ch. XI, Part 1191, § 1119.1 et seq.), Title 49 of the Code of Federal Regulations Part 37 (49 C.F.R., Ch. A, Part 37, § 37.1 et seq.), the United States Department of Justice Title II and Title III for the ADA, and California Government Code section 4450 et seq., which require public facilities be made accessible to persons with disabilities.
- Notwithstanding the requirements of the previous paragraph, all construction, design, and maintenance of public facilities must also comply with the Department's Design Information Bulletin 82, "Pedestrian Accessibility Guidelines for Highway Projects" and Standard Plans & Specifications on "Temporary Pedestrian Access Routes."
39. **STORMWATER:** The Permittee is responsible for full compliance with the following:
- For all projects, the Department's Storm Water Program and the Department's National Pollutant Discharge Elimination System (NPDES) Permit requirements under Order No. 2012-0011-DWQ, NPDES No CAS000003; and
 - In addition, for projects disturbing one acre or more of soil, with the California Construction General Permit Order No. 2009-0009-DWQ, NPDES No CAS000002; and
 - In addition, for projects disturbing one acre or more of soil in the Lahontan Region with Order No. R6T-2016-0010, NPDES No CAG616002.
 - For all projects, it is the Permittee's responsibility to install, inspect, repair, and maintain all facilities and devices used for water pollution control practices (Best Management Practices/BMPs) before performing daily work activities.