

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3  
703 B STREET  
MARYSVILLE, CA 95901-0911  
PHONE (530) 741-4393  
FAX (530) 741-4245  
TTY 711  
www.dot.ca.gov



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August 23, 2013

Ms. Jane M. Hicks  
Regulatory Division Chief, San Francisco District  
U.S. Army Corp of Engineers  
1455 Market Street  
San Francisco, CA 94103-1368

Attn: Sahrye Cohen, Regulatory Division

**SUBJECT: RESPONSE TO U.S. ARMY CORPS OF ENGINEERS NOTICE OF  
NON-COMPLIANCE, FILE NO. 1991-194740N**

Dear Ms. Hicks:

The U.S. Army Corps of Engineers (USACE) issued the California Department of Transportation (Caltrans) a Section 404 Permit No. 1991-194740N approving construction of both the Willits Bypass Project and the related Mitigation Project on February 21, 2012.

By notice of this response letter, Caltrans acknowledges receipt of your August 16, 2013 letter sent to Mr. Charlie Fielder, District 1 Director. District Director Fielder asked that our response letter come from my office.

Caltrans has reviewed the Corrective Measures outlined in your letter and Mauricio Serrano, our Project Manager, will be contacting Ms. Sahrye Cohen by August 30, 2013 to schedule a future meeting to discuss implementing each of the five Corrective Measures. Caltrans appreciates the opportunity to work with the USACE to assure future compliance with our permit conditions in a timely manner.

Construction of Phase I of the bypass project began February 2013. Activities associated with the mitigation project have been underway since the MMP was submitted to the USACE in January of 2012, not the least of which has been two seasons of field work conducting a Baseline Study to demonstrate the feasibility of the wetland rehabilitation as designed by the Corps. Happily, the results of the 2013 Final Baseline Study show that the existing baseline conditions are favorable for executing the specific types of wetland rehabilitation actions proposed in the 2012 MMP. We anticipate submitting the Baseline Report to Ms. Cohen by August 30, 2013.

An updated Mitigation Implementation Schedule was sent to Ms. Cohen via email on July 23, 2013. In that email, and a second one on July 25<sup>th</sup> from staff Senior Biologist Chris Collison, Caltrans offered to meet at the Corps' convenience to discuss the updated mitigation work plan

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and factors that have somewhat impeded our ability to implement the actions listed in Figure 7-1 of the MMP in a timely manner. A response from the Corps regarding the meeting invitation was never received. On August 1<sup>st</sup> Mr. Dan Martel called Mr. Collison to inform him that, since site preparation actions were not complete on three of the eight large sites, the Corps would be sending Caltrans a non-compliance notification that would outline corrective measures required by the Corps.

Caltrans anticipates awarding the Mitigation Project contract in November 2013. The contractor will then prepare a detailed work plan that will describe his proposed methods and timeline for executing the required contract items. Caltrans will submit this work plan to Corps for review and consideration once we receive it. In the mean time, Caltrans is preparing an addendum to the contract bid package that will direct the contractor to perform certain items as a first order of work. Prior to the contract being awarded, Caltrans will continue work to complete the site preparation actions as proposed in the 2012 MMP.

Caltrans' North Region Construction and Environmental Management team looks forward to introducing you and your Executive team to our Joint Venture Contractor DeSilva Gates-Flatiron at our Executive Level meeting scheduled for September 6, 2013 at 11:00 AM in your District Office. We envision this meeting to be similar to meetings that Caltrans and the Joint Venture held with the North Coast Regional Water Quality Control Board and California Department of Fish & Wildlife earlier this summer. At this September 6<sup>th</sup> meeting, we would like to provide an overview of the Willits Bypass construction, Caltrans' and the Joint Venture's vision for successful construction and environmental compliance of the Willits Bypass project, the Corps' expectations or concerns, and strategies for prompt resolution of any issues that arise during construction. I will forward a draft agenda for that meeting in a separate communication.

Please contact Mauricio Serrano, Project Manager, at (707) 502-7628, or email at [Mauricio.Serrano@dot.ca.gov](mailto:Mauricio.Serrano@dot.ca.gov) if you have any questions. Thank you.

Sincerely,



John D. Webb  
Environmental Manager – South  
Caltrans North Region

c: electronic copies to  
LTC John K. Baker, P.E., San Francisco District Office, USACE  
Sahrye Cohen, USACE, San Francisco District Office, USACE  
Melissa Scianni, U.S. Environmental Protection Agency, Region 9

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Curt Babcock, California Department of Fish & Wildlife  
Brendan Thompson, North Coast Regional Water Quality Control Board  
Charlie Fielder, Caltrans District 1 Director  
Matt Brady, Caltrans District 1 Deputy Director, Project/Program Management  
Cindy Anderson, Caltrans North Region Environmental Division Chief  
Mauricio Serrano, Caltrans Project Manager  
Susan Tappan, Caltrans Construction Manager  
Geoffrey Wright, Caltrans Construction Senior Resident Engineer  
Chris Collison, Caltrans North Region Environmental Branch  
Kendall Schinke, Caltrans Environmental Branch Chief