



SECTION J

PERMITS

COUNTY SERVICE AREA 82 SEARLES VALLEY SEWER IMPROVEMENT PROJECT

FOR

**COUNTY SERVICE AREA (CSA) 82,
TRONA, CALIFORNIA**

PROJECT NO.: 30.30.30.0158

EXCAVATION PERMIT

TYPE: Planned Work



PERMIT NUMBER: TREXC-2023-00836

ROAD NAME: TRONA ROAD

YARD: 13

WORK ORDER NUMBER:

PERMITTEE: County of San Bernardino
222 W. Hospitality Lane. 2nd Floor, San Bernardino
San Bernardino, California 92415

PERMIT ISSUE: 02/05/2024

PERMIT EXPIRES: 02/05/2025

EMERGENCY CONTACT: Alfonso Fausto

24 HR PHONE: 9097717102

EMAIL: alfonso.fausto@sdd.SBcount
y.gov

In accordance with your application dated 12/04/2023, and subject to the provision and requirements of County Code No. 51.0101-51.0509 and/or Provisions as may be attached hereto, PERMISSION IS HEREBY GRANTED TO encroach within County road right-of-way for the purpose of performing the following work:

DESCRIPTION:

Trona Rd., b/w Main Street and Benton St., Trona area. San Bernardino County Special District's to Install, operate, and maintain:
1) 12" PVC Sewer line. (2) remove and replace manhole covers within County Maintained Road right of way. Prior to the start of any work please contact the road inspector in order to determine the pavement resurfacing requirements.

INSPECTOR:

CONTACT Dennis Brhel 48 HOURS PRIOR TO START OF WORK AT 909-289-1088 or dbrhel@dpw.sbcounty.gov FAILURE TO OBTAIN INSPECTION SHALL BE CAUSE TO VOID PERMIT.

I hereby agree, as a condition of the granting of this permit to indemnify, defend (with counsel reasonably approved by County) and hold harmless the County and its authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of the granting of this permit from any cause whatsoever, including the acts, errors or omissions of any person and for any cost or expenses incurred by the County on account of any claim except where such indemnification is prohibited by law. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The Permittee's indemnification obligation applies to the indemnities "active" as well as "passive" negligence but does not apply to the indemnitee's "sole negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

PERMITTEE'S ACCEPTANCE

Signature by the Permittee or Permittee's Authorization Agent of this Permit shall indicate acceptance of all of the provisions of the permit and shall represent that Signee has full authority to act on behalf and legally bind Permittee to all terms herein.

Permittee's Signature

Date

Alfonso Fausto

Print

COUNTY APPROVAL

David Belicki, P.E.

Date

Permit Engineer, DPW - Transportation

DEPARTMENT OF PUBLIC WORKS PERMITS/OPS SUPPORT TRANSPORTATION
825 EAST THIRD STREET SAN BERNARDINO, CA 92415 (909) 387-1863

GENERAL PROVISIONS:

NOTIFICATION. Prior to start of any construction, the Permittee shall notify residents/businesses/schools and others, located within a 300 foot segment of the same road on which construction is being performed, including those located within the project reach, at least seven (7) working days in advance of beginning the work provided any such work is scheduled to last longer than a work day. Depending upon the site conditions, the Inspector can request Permittee to notify additional nearby residents/businesses on adjoining streets. Any variation to this shall be as approved by the Inspector.

MOUNTAIN AREA: All permitted work in the mountains shall cease from October 31 to March 15 unless approved by DPW. Permittee shall contact Road Inspector 48 prior to start of any work. Permit Engineer, or his authorized representative, has the authority to limit work or stop work depending on the weather conditions.

TRENCH SPECIFICATIONS: All street repairs must be completed per the San Bernardino County Department of Public Works General Permit Conditions and Trench Specifications.

INSPECTION. All construction authorized by a road permit shall be inspected by County personnel during construction. Construction performed without inspection may be subject to removal and replacement and/or void permit. The entire cost of removal and replacement shall be borne by the Permittee, regardless of whether the removed installation was found to be defective. Permittee shall notify the Inspector 48 hours prior to start of permitted work.

WORK HOURS. Except for emergency repairs, no work shall be performed within County road right-of-way on weekends, County holidays, before 7 AM or after 4:30 PM unless authorized by the PE.

COMPLIANCE WITH STATE CONSTRUCTION SAFETY ORDERS: Permittee and/or its contractor where applicable shall obtain a permit from Division of Industrial Safety, State of California, prior to trench excavation if the excavation is over five feet in depth or workmen will be endangered by moving ground.

SURVEY MONUMENTS: Where there is a possibility of a survey monument or monuments being disturbed or destroyed, they shall be located, referenced and a Corner Record filed with the County Surveyor prior to the start of construction. Survey monuments shall be reset in the surface of the new construction, a suitable monument box placed thereon, or permanent witness monuments set and a Corner Record filed with the County Surveyor prior to final project clearance. All work shall be performed under the direction of a licensed Land Surveyor or registered Civil Engineer at the expense of the permittee.

PROTECTION OF TRAVELING PUBLIC: Permittee shall take adequate precautions for the protection of the traveling public at all times. Barricades, flashing amber lights, and warning signs together with flagmen, where necessary, shall be placed and maintained in accordance with California Manual on Uniform Traffic Control Devices (MUTCD).

ROAD CLOSURE: Hard road closure can only be granted by formal application to the County DPW Transportation. Allow three (3) weeks to process request. Permittee shall be required to notify all residents and businesses at least 7 days prior to road closure. Permittee shall notify Fire Department, California Highway Patrol, County Sheriff's, Department and local School District at least 72 hours prior to any period of road closure. All approved detour routes will utilize only CMRS road(s).

ENVIRONMENTAL LAWS & REGULATIONS: For any work performed or constructed within County road right-of-way, it shall be the responsibility of the permittee to ensure that all applicable Federal, State, and local environmental laws and regulations are adhered to.

STORAGE IN COUNTY ROAD RIGHT-OF-WAY: There shall be no equipment or materials stored or stockpiled in County road right-of-way. Equipment and materials shall be removed from such road right-of-ways when not in use and at the end of each working day, except as approved by the Dept. of Public Works. County reserves the right to remove as necessary any obstruction or stockpile from the right-of-way period.

TRENCHING ACROSS ROADWAY: Unless formal approval has been granted for full road closure, excavation of trenches across any roadway shall be progressive. Not more than ¼ of the width of a traveled way shall be closed at one time and the remaining width of traveled way shall be kept open to traffic by bridging or backfilling.

ROAD RESTORATION: Trench repair and replacement of pavement shall be accomplished according to San Bernardino County Department of Public Works General Permit Conditions and Trench Specifications for utility trench work within County road right-of-way. If permittee fails or refuses to refill any excavation which he has made, or replace any pavement he has removed or damaged, or remove any obstruction which he has placed in any County roadway, the County Transportation Department may take corrective action as necessary to protect the roadway and traveling public and the Permittee shall reimburse the County Transportation Department for any costs thereof.

RELOCATION CLAUSE: Permittee may be required to remove or relocate the permitted facility at his own cost should the road need to be widened or reconstructed or for any other reason as determined by the County Permits/Operations Support Transportation Division. Removal and/or relocation of said improvements shall be accomplished at no expense to the San Bernardino County Permits/Operations Support Transportation Division.

OPERATE AND MAINTAIN: Permittee shall be responsible of the construction, maintenance and operation of the encroachment approved in this permit.

PAYMENT OF COSTS: Permittee is liable for and shall pay upon demand all County Transportation Department costs related to the permit including but not restricted to the costs of repairing or restoring the County roads to the same or equal condition that they were in before being cut or damaged as a result of Permittee's activities

TRAFFIC LOOPS. Permittee shall be responsible of locating traffic loops prior to start of work and replacing them if damaged or removed during construction.

TRAFFIC CONTROL. The Applicant/Permittee is solely responsible for their work site and hereby agrees to secure a safe work zone, including temporary traffic control and to have personnel onsite at all times that is trained and/or certified about the fundamental principles of Temporary Traffic Controls as well as the work that is being performed. Since traffic is a dynamic variable of any work zone, the Applicant/Permittee is responsible to evaluate, implement, re-evaluate, and maintain appropriate temporary traffic controls at all times. This shall include any adjustments as needed based on actual field conditions. The Applicant/Permittee shall have a temporary traffic control plan available for inspection at all times when the work zone is encroaching into the roadway. The temporary traffic control plan may be in the form of a typical application in the California Manual on Uniform Traffic Control Devices (CAMUTCD) or other publication that represents a more conservative version of the same application. Under certain circumstances, a pre-established temporary traffic control typical application as provided in the CAMUTCD may not be sufficient for the work zone and type of work being performed. Since the Applicant/Permittee is required to have appropriately trained and/or certified personnel, the Applicant/Permittee is responsible to recognize irregular situations and provide a site-specific traffic control plan to the County Public Works Department, Permits Division for evaluation. The Permits Division, including the assigned Inspector, may request a site-specific temporary traffic control plan at any time should the type of work or field conditions suggest additional safety measures may be warranted.

MAINTENANCE GUARANTEE. Under the provisions of San Bernardino County Code Section 51.0210 adopted by the Board of Supervisors on September 17, 1979, the highway surface excavated or damaged shall be replaced by the permittee to as good or better condition as the same was in before such work was begun and shall be maintained for the life of the utility encroaching in the public road after the completion of the work performed under the permit, during which life time period the permittee shall repair and make good any injury or damage to any portion of the highway which occurs as a result of work done under the permit.

SEDIMENT & EROSION CONTROL. All earth material remaining on the roadway pavement, at the completion of permit work, shall be removed by brooming and/or sweeping to reduce the possibility of this material being carried by runoff and/or deposited in a stream, drainage course, natural water course, lake or other area. This work is required per Title 3, Division 5, Sections 35.0110, 35.0112, and 35.0113 of the San Bernardino County Code of Ordinances. National Pollutant Discharge Elimination System, Federal law, State law and local ordinance shall be strictly enforced applicant shall comply with all applicable laws and regulations pertaining to storm water.

PERMIT POSSESSION. Other than emergency repairs, no work shall be performed within the County road right-of-way until a road permit is issued. A copy of this permit, a set of approved plans and permits required by any other cognizant agency shall be on site at all times while construction is in progress and shall be shown to any County representative or any law enforcement office upon demand.

UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA (DigAlert). Permits that require excavation shall be valid only after an Underground Service Alert (DigAlert) ticket is issued and evidence of the same provided to the Inspector or Permit Engineer upon request. The Permittee, the Permittee's authorized agent, and/or Contractor, shall notify DigAlert and obtain a DigAlert ticket at least two (2) full working days prior to beginning any digging or excavation work, including surface work. To call in a new, update or add/change any DigAlert ticket, please call 811 or you can go on-line at www.digalert.org

NOT FOR BID

EXCAVATION PERMIT

TYPE: Planned Work



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EMERGENCY CONTACT: Alfonso Fausto

24 HR PHONE: 9097717102

EMAIL: alfonso.fausto@sdd.SBcounty.gov

INSPECTOR COPY

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INSPECTOR:

CONTACT Dennis Brhel 48 HOURS PRIOR TO START OF WORK AT 909-289-1088 or dbrhel@dpw.sbcounty.gov FAILURE TO OBTAIN INSPECTION SHALL BE CAUSE TO VOID PERMIT.

INSPECTOR FIELD NOTES:

START WORK

ROAD CONDITION

EARTHWORK & GRADING

DRAINAGE FACILITIES

CURB & GUTTER

SIDEWALK AND DRIVEWAY APPROACHES

COMPACTION TEST-NATIVE

COMPACTION TEST-BASE

BASE MATERIAL

TEMPORARY PAVING

PERMANENT PAVING

TRAFFIC CONTROL, ETC

CLEAN UP

COMPACTION TEST RESULTS

COMPLETED

NOT FOR BID

EXCAVATION PERMIT

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YARD COPY

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San Bernardino County Flood Control District

825 East Third Street, Room 108
San Bernardino, CA 92415-0835
(909) 387-7995 - FAX (909) 387-1858



Inspection office shall be notified two working days prior to commencing permitted use. FAILURE TO OBTAIN INSPECTION SHALL BE CAUSE FOR REVOCATION OF THIS PERMIT.

PERMIT

Permit Issued:

Permit Expires:

File:

6-803/2.04

Permit No: FCCON-2023-00091

Permittee: San Bernardino County
Special Districts Department
222 W. Hospitality Land, 2nd Floor
San Bernardino, CA 92415

Contact/Phone: Alfonso Fausto 909-771-1702
Project Manager

Permit Activity: Install, operate, and maintain: 1) a 12-inch PVC sewer line crossing the District's facility via trench, and 2) remove and replace manhole and cover

Facility: Trona Flood Channel

Location: Trona Road

City/Community: Unincorporated area of San Bernardino County

1. This Permit is not valid without the accompanying Special, Standard, and General Provisions and any additional exhibits referenced by those provisions. Exercise of this Permit, the performance of any work contemplated hereunder, by Permittee or Permittee's authorized agent, shall indicate acceptance of and agreement to comply with all of the provisions of this Permit. Permittee shall make all contractors doing work on the Project familiar with all of the requirements of this Permit. Violation of any provision of this Permit shall be cause for immediate revocation of this Permit.
2. This Permit, or a certified copy thereof, shall be kept at the job site throughout the period of operations within District right-of-way and shall be shown to any District Representative or any law enforcement officer upon demand.
3. No revisions to the approved plans shall be made during installation without review, written approval and/or Permit Amendment from the District.

PERMITTEE'S ACCEPTANCE:

Signature by the Permittee, or Permittee's Authorized Agent, of this Permit shall indicate acceptance of all of the provisions of the Permit and shall represent that signee has full authority to act on behalf of and legally bind Permittee to all terms herein.

Permittee's Signature

Date

Alfonso Fausto

PRINT

EMAIL **Alfonso.Fausto@sdd.sbcounty.gov**

cc: CA Dept. of Fish and Wildlife
FC Operations Supt
Inspector

DISTRICT APPROVAL:

BRENDON BIGGS, M.S., P.E.

Date

Chief Flood Control Engineer

SPECIAL PROVISIONS

1. It shall remain the responsibility of the Permittee to operate and maintain the improvements in perpetuity once installation activities have been completed. The Permittee shall notify the District in advance as well as show any necessary approvals prior to performing maintenance activities on such improvements within District right-of-way.

STANDARD PROVISIONS

1. This Permit shall become effective upon the "Permit Issued" date shown on Page 1 of this Permit. All Permit provisions and all applicable fees (i.e. review fees, inspection fees, monthly land use fees, etc.) for the Permit shall commence or become enforceable upon the Permit Issued date, regardless of the Permittee's actual commencement of activity within District right-of-way. Signature by the Permittee or Permittee's Authorized Agent on Page 1 of this Permit shall indicate the Permittee's agreement to assume all responsibility and to adhere to the Permit terms and fees from the date of Permit issuance.
2. Issuance of this Permit specifically prohibits any tracked or wheeled equipment entering or conducting work within the bed, or inner bank of Trona Flood Channel. All construction activities must avoid impacts to Waters of the United States, Waters of the State, and California Department of Fish and Wildlife regulated resources. Any violation of County, State, or federal environmental regulations may result in significant fines and/or mandatory work stoppage/delays.
3. The underground sewer line shall be adequately marked with above ground markers per the District's Standard Plan 204 at intervals to be determined in the field by the District.

GENERAL PROVISIONS

1. It shall be the responsibility of the Permittee to adhere to all applicable Federal, State and local laws and regulatory requirements. The Permittee shall comply with the District's Stormwater Ordinance 3588 and all applicable National Pollutant Discharge Elimination System (NPDES) requirements to reduce or eliminate pollution of stormwater discharges into waters of the United States. In this regard, the Permittee shall utilize Best Management Practices (BMPs) in the construction and subsequent operation of the permitted activity to prevent any pollutants (including sediment) from being discharged into any storm drain and/or channel systems.

The following items must also be adhered to:

- Appropriate BMPs should be utilized during all phases of work.
 - All pollutant impacts from spills, drips, overspray, and/or other accidental releases to soil shall be mitigated in a timely manner. Mitigation typically includes disposal of impacted soils through appropriate hazardous waste procedures.
 - Upon the completion of the project or portion of the project covered under this Flood Control Permit, all trash and/or debris shall be removed. No waste shall be disposed of in any District facility.
 - Permittee shall, at all times, exercise proper dust control and dust abatement.
2. The use of any District-owned property, easement areas, or areas covered under any agreement involving the District for conservation or mitigation purposes by any entity other than the District is expressly prohibited under this Permit, unless such conservation or mitigation has been specifically listed as an authorized Permit activity on Page 1 of this Permit. This prohibition shall remain in

perpetuity regardless of approvals that the Permittee or Permittee's authorized agent may obtain within environmental permits or documents from any and all environmental regulatory agencies prior to issuance of the District's Permit.

3. The review and inspection fees for this Permit shall be based on the District's Schedule of Fees Ordinance in effect at the time of District review and/or inspection. Upon completion of the permitted activity, the District will compile all District costs as outlined on the appropriate Schedule of Fees. In the event costs exceed the deposit amount, the Permittee will be billed for the overage and hereby agrees to pay such amount to the District. In the event costs are less than deposit amount, the excess will be refunded to the Permittee.
4. The District's Schedule of Fees Ordinance is subject to change by the District Board of Supervisors. The Board typically considers changes in the Schedule of Fees Ordinance to take effect at the beginning of each fiscal year (July 1). Should the borrow fee rate be adjusted at any time during the life of this Permit in accordance with changes to the Schedule of Fees Ordinance, the Permittee shall have the right to continue soil removal based on the new rate or request cancellation of its Permit prior to the effective date of the new rate. Upon cancellation, the Permittee shall be responsible for restoring the work area to the satisfaction of the District prior to vacating District right-of-way. The District shall not be responsible for any impact to contractual obligations the Permittee may have as a result of revisions to the District's Schedule of Fees Ordinance.
5. **The term of installation/construction shall be completed prior to the Permit expiration date.** The District will coordinate an extension(s) to the Permit term upon receipt of a completed Flood Control Permit Amendment Application at least thirty days prior to the expiration date.
6. This Permit is valid only to the extent of the District's jurisdiction. Permits or other approvals required by other agencies or underlying fee owners of District easement lands shall be the responsibility of the Permittee. Nothing contained in this Permit shall be construed as a relinquishment of any rights now held by the District.
7. Should any survey monumentation be located during Permit activity construction, and it is further determined that such monumentation will be disturbed or destroyed during construction, then a Licensed Land Surveyor or Registered Civil Engineer authorized to practice land surveying shall submit a corner record showing pre-construction ties prior to disturbing the monument with the County Surveyor prior to the start of construction. The monuments shall be reset in a surface of the new construction, with a suitable monument box placed thereon, or set with permanent witness monuments. A corner record shall be filed with the County Surveyor for reset of monuments and evidence submitted prior to finalizing the Permit. All work shall be performed under the direction of a licensed land surveyor or registered civil engineer at the expense of the Permittee.
8. Permittee shall make all contractors doing work on the Improvements and/or within the District right-of-way familiar with all of the requirements of this Permit.
9. The Permittee shall be responsible to provide inspection and/or video inspection and all associated reports, etc. for the life of the structures allowed under this Permit within 90-days after written notification by the District. All reports and documentation shall be to standards acceptable to the agencies requesting the inspection (e.g. State or Federal agencies).
10. No floatable materials or stockpiling shall be maintained in District right-of-way, and equipment shall be kept out of District right-of-way except when in use during work hours.
11. The existing access gates shall be locked after hours and on weekends by interlocking Permittee's lock with the District's lock to allow District access. The Permittee shall ensure that the gate remains locked at all times except when authorized access is required.

12. The proposed activity within District right-of-way shall be in compliance with all applicable City/County ordinances for noise and operating hours.
13. The Permittee shall not have exclusive use of the District right-of-way. The District may allow other Permittees access to the area to engage in permitted activities.
14. All existing asphalt or concrete surfacing removed within District right-of-way shall be sawcut at the removal limits. Any settlement in the future shall be maintained by the Permittee.
15. All loads and vehicles accessing the Permit site shall comply with applicable State Motor Vehicle requirements.
16. Backfill in all areas having flood control facilities shall be similar to the existing material and shall not contain organic material, broken concrete or pavement, or other material unsuitable for compaction. Backfill two feet deep under concreted rock slope protection and/or two feet behind concrete structures shall be compacted to at least 95% of maximum dry density as determined by ASTM Test Method D-1557. All other backfill shall be compacted to at least 90% relative density as determined by ASTM Test Method D-1557, Method C and certified evidence thereof submitted. Compaction tests shall be performed at locations specified and to the satisfaction of the District.
17. All construction and material testing for facilities constructed within District right-of-way will be performed by the Permittee and/or Permittee's authorized agent and certified evidence thereof shall be furnished to the District at the Permittee's expense.
18. If required by the District's Inspector, the Permittee shall, at the time of the final inspection, submit "Record Drawings" that are sealed/stamped, signed, and dated by a California Registered Professional Engineer in responsible charge of the designs shown on the Plans. In addition, an electronic "PDF" format copy will be required.
19. No more than one-third (1/3) of any flood control facility may be obstructed during the period October 15 to April 15, nor more than two-thirds (2/3) of any facility may be obstructed during the remaining period. The term "obstruction" shall include all temporary or permanent structures, falsework, excavated material, and equipment connected with the construction. For the purpose of computing the area of an obstruction, dimensions shall be taken normal to the channel flow of the actual physical outline of the obstruction.
20. The Permit can be immediately revoked at any time, effective upon written notification from the District. Violation of any provisions of this Permit shall be cause for immediate revocation of this Permit. Upon revocation, the Permittee shall cease all activities and restore District right-of-way to the satisfaction of the District.
21. At any time during the life of this Permit, the District may revise, modify, or add provisions to this Permit as may be required to meet the flood control, water conservation, and safety responsibilities of the District.
22. Should maintenance of the Improvements be required at any time, the Permittee shall coordinate such maintenance activity with the District's Flood Control Operation's Support Division.
23. INSURANCE - This Permit shall not become valid until the Certificate of Insurance has been completed by Permittee's contractor's insurance company and approved by the Flood Control District. If the Permit activity is to be completed by Permittee's forces, the Certificate of Insurance shall be completed by Permittee's insurance company and approved by the Flood Control District.

24. The Permittee shall indemnify, defend, and hold the District, the County of San Bernardino, their Boards of Supervisors, and all of their officers, employees and agents free and harmless from any and every claim, demand or action for damages, or injury to any person or persons or property of any kind whatsoever, which may arise out of or result from this Permit, Permittee's construction, operation, use or activities on the District right-of-way and/or the Improvements. If the Permittee fails to comply with any obligation contained herein, Permittee shall be liable to the District for any administrative expenses and attorney's fees incurred in obtaining compliance with this Permit and any such expenses and fees incurred in processing any action for damages or for any other remedies permitted by law.
25. The Permittee shall be responsible for obtaining and adhering to all required permits and permit conditions prior to the start of any activity authorized by this Permit. A copy of all completed and executed regulatory permits, i.e. California Department of Fish and Wildlife 1600, Water Board 401, and/or US Corps of Engineers 404, shall be submitted to the District prior to start of work. When applicable, a copy of all fully executed regulatory permits shall be kept at the project site at all times while all project activities take place. The Permittee shall be responsible for all contractors working on this project and their understanding of all the permits and their conditions, both encroachment and regulatory, requirements, minimization measures, best management practices, mitigation measures, etc.
26. Prior to beginning any activity authorized in this Permit, the Permittee and/or Permittee's authorized agent, shall notify Underground Service Alert (USA) at 1-800-422-4133 at least 48 hours in advance to coordinate the Permit activity on District right-of-way.
27. In accepting this Permit, the Permittee agrees to replace any existing improvements which may include but not be limited to access road pavement, irrigation pipelines, chain link fencing and landscaping with acceptable products, installed to size, line and grade as the existing products removed and as approved by the District.
28. Work done in the absence of prescribed inspection may be required to be removed and replaced under the proper inspection, the entire cost of removal and replacement, including the cost of all materials used in the work thus removed, shall be borne by the Permittee, regardless of whether the work removed is found to be defective or not. Work covered up without the authority of the District, shall upon order of the District, be uncovered to the extent required, and the Permittee shall bear the entire cost of performing all the work and furnishing all the equipment and materials necessary for the removal and subsequent replacement of the covering, as directed by the District.
29. Should installation or maintenance activities be required during the period October 15 to April 15, work shall be undertaken within a 5-day clear weather forecast. Permittee shall maintain and provide for a flood watch when storm conditions threaten, and have personnel and equipment available on a 24-hour schedule and provide the District with the names and after-hours phone numbers of responsible supervisory personnel.
30. Access to the District's levees, channels and patrol roads shall remain open and free to vehicular traffic at all times. Alternate access to the facilities shall be provided when existing access is severed or impaired. Permittee must prevent the public or unauthorized persons from entering the construction area or the District's right-of-way.
31. The Permittee shall perform, at Permittee's own expense, all construction surveying and engineering necessary to control construction to limits defined in the plans and exhibits. The construction surveying and engineering will be performed to the District's satisfaction.
32. The location of any temporary construction roadways or ramps which the Permittee may wish to build within District right-of-way shall be subject to the approval of the District. Roads shall be constructed so as to wash out during any appreciable flows.

33. If the Permittee should refuse or neglect to comply with the provisions of the Permit, or the orders of the District, the District may have such provisions or orders carried out by others at the expense of the Permittee.
34. No part of the activities authorized under this Permit shall be accepted in phases. All work within District right-of-way must be completed prior to District acceptance of improvements within District right-of-way.
35. At the completion of the construction activities, the area shall be cleaned, graded and dressed to the satisfaction of the District. A joint inspection (Permittee/District) shall be made to determine if the work has been completed in accordance with Permit requirements.
36. Activities under this Permit are subject to any instructions of the Chief Flood Control Engineer or his /her representative. ALL INSTRUCTIONS MUST BE STRICTLY OBSERVED.
37. District activities shall take precedence at all times and, when any work or activity must be performed to carry out the functions and purposes of the District, Permittee must allow same to be done without interference.
38. Any damage caused to District facilities or structures by reason of the exercise of the Permit shall be repaired at the cost of the Permittee to the satisfaction of the District. Permittee will be billed for the actual cost to the District should Permittee neglect to make such repairs promptly.
39. Any District right-of-way monuments that are removed, disturbed, or destroyed as a result of activity under Permit will be replaced by the District. Permittee will be billed and agrees to immediately pay all costs of such replacement.
40. Unless otherwise specified herein, this Permit is subject to all prior permits, agreements, easements, privileges or other rights, whether recorded or unrecorded, in the area specified in this Permit. Permittee shall make his own arrangements with holders of such prior rights.
41. The Improvements shall be maintained, repaired, and operated in accordance with:
- The San Bernardino County Department of Public Works, Transportation and Flood Control Standard Specifications, available at the Department of Public Works, 825 E. Third Street, San Bernardino, California; and
 - All applicable provisions of the "Construction and Safety Orders" issued by the State Division of Industrial Safety and "Manual of Accident Prevention in Construction" issued by the Associated General Contractors, Inc.
42. All work associated with the activities authorized under this Permit shall conform with all Cal-OSHA requirements. Prior to any shoring activity, the Permittee or Permittee's authorized agent shall submit shoring plans, signed and approved by a registered engineer, and copies of required permits.
43. It shall be the responsibility of the Permittee and/or the Permittee's authorized agent to insure that all personnel performing work authorized under this Permit are adequately trained and have appropriate safety gear and equipment before entering any confined space.
44. The area disturbed by permitted activities shall be kept to minimum and shall be limited to that area actually being worked.

45. No nuisance shall be allowed on any of the premises and the Permittee shall exercise diligence in precluding any dumping operations in the area by patrolling or installing barriers to deter unauthorized access when the premises are not supervised.
46. Any unauthorized structure or portions thereof placed on District right-of-way or which affect District structures, must be removed by Permittee without cost to the District.
47. It is expressly understood that the area involved under this Permit is subject to inundation from storm, flood, and/or conservation flows at any time, and that the District shall not, in any way, be obligated to afford protection against said flows, or to assume any cost for damages. The District reserves the right to divert any storm or flood flows upon any land under this Permit at any time and without notice, and no diversion of such shall be made by the Permittee without the consent of the District.
48. All concrete shall conform to Section 201-1 of the Standard Specification for Public Works Construction, latest edition, unless otherwise specified in this Permit. Curing compound shall conform to the provisions of Section 201-4.1 of the Standard Specifications for Public Works Construction, latest edition.
49. The Permit activities allowed under this Permit may require the Permittee to use a pre-emergent within District right-of-way in order to control the growth of weeds. The necessity to use pre-emergent shall be at the discretion of the District's inspector, and the type and method of use of the pre-emergent shall be submitted by the Permittee for review and approval by the District's inspector prior to use. Please contact the Supervising Agricultural Standards Officer for the San Bernardino County Agriculture Department at (909) 387-2131 with any questions or concerns regarding the proper application of the required pre-emergent.
50. The Permittee is hereby advised that the District's inspector shall make routine, periodic visits to the construction site commencing upon the date of Permit issuance. Such site inspections shall be performed to ensure that Permit activities have not been initiated without proper notification to the District. As such, the District shall have its inspector charge the appropriate time for such site visits, whether work is being performed or not, and inspection fees for the Permit may be assessed accordingly based on the time necessary to conduct the necessary site visits.
51. The exact location of any above ground structure(s) shall be field coordinated with the District's inspector prior to installation.
52. Unless otherwise approved by the District, the hours of operation shall be limited to between 7:00 AM and 5:00 PM, Monday through Friday. No equipment shall be started or operated before 7:00 AM.
53. As the governmental agency permitting construction work that may affect survey monumentation, the Department of Public Works is responsible for ensuring compliance with section 8771 of the California Business and Professions Code. Should any survey monumentation be located during the course of construction and it is further determined that such monumentation will be disturbed or destroyed during construction, a Licensed Land Surveyor, or Registered Civil Engineer authorized to practice land surveying, shall submit a corner record showing pre-construction ties prior to disturbing the monument. When submitting the corner record, please note the following: use a state-approved corner record form; include the permit number on your submittal cover sheet; submit the corner record, along with the \$18 filing fee, to the County Surveyor's Office, **not the permitting department**. Please contact the County Surveyor's Office if you need a copy of the approved corner record. Please direct all correspondence or inquiries regarding this process to the Land Surveyor's Office at (909) 387-7990.
54. The Permittee shall comply with all provisions of the Migratory Bird Treaty Act and related California Department of Fish and Wildlife regulations pertaining to the protection of nesting birds and birds of prey when conducting any activities within District right-of-way.

55. ELECTRONIC SIGNATURES -The Parties agree that this Permit may be executed in counterparts, each of which shall be deemed to be an original, but both of which together shall constitute one and the same instrument, and that a photocopy or facsimile may serve as an original. If this Permit is executed in counterparts, no signatory hereto shall be bound until both the parties have fully executed a counterpart of this Permit. The Parties shall be entitled to sign and transmit an electronic signature of this Permit (whether by facsimile, PDF, or other email transmission), which signature shall be binding on the party whose name is contained therein. Each Party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Permit upon request.
56. Please note that any improvements constructed within the District's right-of-way while it's in an "interim condition", it will be the responsibility of the Permittee to relocate or adjust these improvements once the District proceeds with its "ultimate condition" improvements.

Revised 08/15/2023