LAKE OR STREAMBED ALTERATION AGREEMENT

For Department Use Only					
Notification Number:		Date Received:		Date Completed:	
Fees Enclosed?	☐ Yes $ _____			☐ No	
Action Taken/Notes:					

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

(See attachment/enclosure for instructions)

Notification Type		
☐ 1601 (Public)	☐ Timber Harvest Plan	(No. _____ ,
☐ 1603 (Private)	☐ Commercial Gravel Extraction	(No. _____ ,
	☐ Water Application	(No. _____ ,

Applicant Information			
	Name	Address	Telephone/FAX
Applicant:			Business: Fax:
Operator:			Business: Fax:
Contractor: *(if known)*			Business: Fax:
Contact Person: *(if not applicant)*			Business: Fax:
Property Owner:			Business: Fax:

Project Location				
Location Description:				
County		Assessor's Parcel Number		
USGS Map	Township	Range	Section	Latitude/Longitude
Name of River, Stream, or Lake:				
Tributary To?				

NOTIFICATION OF LAKE OR STREAMBED ALTERATION
(Continued)

Name of Applicant: _____

Project Description							
Project Name:							
Proposed Start Date:		**Proposed Completion Date:**		**Project Cost:**	$	**Number of Stream Encroachments:** *(Timber Harvest Plans only)*	
Describe project below: *(Attach separate pages if necessary)*							
							☐ Continued on separate page(s)

Attachments/Enclosures		
Attach or enclose the *required* documents listed below and check the corresponding boxes.		
☐ Project description	☐ Map showing project location, including distances and/or directions from nearest city or town	☐ Construction plans and drawings pertaining to the project
Attach or enclose the documents listed below, if complete, and check the corresponding boxes.		
Completed CEQA documents:	☐ Negative Declaration ☐ Mitigated Negative Declaration	☐ Environmental Impact Report ☐ Notice of Exemption ☐ Notice of Determination
Copies of applicable local, State, or federal permits, agreements, or other authorizations:	☐ Local. *Describe:*	
	☐ State. *Describe:*	
	☐ Federal. *Describe:*	

I hereby certify that all information contained in this notification is true and correct and that I am authorized to sign this document. I understand that in the event this information is found to be untrue or incorrect, I may be subject to civil or criminal prosecution and the Department may consider this notification to be incomplete and/or cancel any Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand that this notification is valid only for the project described herein and that I may be subject to civil or criminal prosecution for undertaking a project that differs from the one described herein, unless I have notified the Department of that project in accordance with section 1601 or 1603 of the Fish and Game Code.

I understand that a Department representative may need to inspect the property where the project described herein will take place before issuing a Lake or Streambed Alteration Agreement pursuant to this notification. In the event the Department determines that a site inspection is necessary, I hereby authorize the Department to enter the property where the project described herein will take place to inspect the property at any reasonable time and certify that I am authorized to grant the Department permission to access the property.

☐ *I request the Department to first contact me at (insert telephone number)* _____ *to schedule a date and time to enter the property where the project described herein will take place and understand that this may delay the Department's evaluation of the project described herein.*

_____ _____

Operator or Operator's Representative — Date

Lake and Streambed Alteration Program

Project Questionnaire

Please complete the following questionnaire and submit it with your notification package to expedite the Department's review of your proposed project or activity. ***Please attach or enclose any additional information or documents that support or relate to your response.***

	Yes	Maybe/ Uncertain	No	Please explain if you responded "yes" or "maybe/uncertain"
1. Will the project or activity involve work on the bank of a river, stream, or lake?				
2. If you answered "yes" to #1, will the project or activity involve any of the following:				
a. Removal of any vegetation?				
b. Excavation of the bank?				
c. Placement of piers?				
d. Placement of bank protection or stabilization structures or materials (e.g., gabions, rip-rap, concrete slurry/sacks)?				
3. Will the project or activity take place in, adjacent to, or near a river that has been designated as "wild and scenic" under state or federal law?				
4. Will the project or activity involve work in the bed or channel of a river, stream, or lake?				
5. Will the project or activity involve the placement of any permanent or temporary structure in a river, stream, or lake?				

	Yes	Maybe/ Uncertain	No	Please explain if you responded "yes" or "maybe/uncertain"
6. Will the project involve the use of material from a streambed?				
7. Will the project or activity result in the disposal or deposition of debris, waste, or other material in a river, stream, or lake?				
a. If you answered "yes" to #7, describe the material that will be disposed of or deposited in the river stream, or, lake:				
8. Will any type of equipment be used in a river, stream, or lake?				
a. If you answered "yes" to #8, describe the type of equipment that will be used:				
9. Does the project or activity area flood or periodically become inundated with water?				
10. Will water need to be diverted from a river, stream, or lake for the project or activity?				
11. If you answered "yes" to #10, please answer the following:				
a. Will this be a temporary diversion?				
b. Will water quality be affected by the deposition of silt, an increase in water temperature, a change in the pH level, or in some other way?				
c. Will the water be diverted by means of a dam, reservoir, or other water impoundment structure?				
12. Will the project or activity be done pursuant to a water right application or permit?				
13. a. Has a wildlife assessment or study been completed for the area where or near where the project or activity will take place? (If "yes", attach or enclose a copy of the assessment or study.)				

	Yes	Maybe/ Uncertain	No	Please explain if you responded"yes" or "maybe/uncertain"
14. Will the project or activity affect fish, amphibians, insects, or other aquatic resources?				
15. Will the project or activity affect terrestrial wildlife?				
16. Are any endangered or rare plant species thought or known to occur in the area where the proposed project or activity will take place?				
17. Are any endangered or threatened fish, bird, or animal species thought or known to occur in the area where the proposed project or activity will take place?				
18. Have you contacted any other local, State, or federal agency regarding the project or activity?				
a. If you answered "yes" to #18, please list the names of the agencies you have contacted:				
19. Have you applied for or obtained any permit, agreement, or other authorization for your project or activity from any government agency?				
a. If you answered "yes" to #19, please list the names or describe the permit, agreement, or authorization you have applied for or obtained:				
20. Have any environmental documents pertaining to your project or activity been prepared?				
a. If you answered "yes" to #20, please list the environmental documents that have been prepared:				

I hereby certify that all information contained in this notification is true and correct and that i am authorized to sign this document. I understand that in the event this information is found to be untrue or incorrect, I may be subject to civil or criminal prosecution and the Department may consider this notification to be incomplete and/or cancel any Lake or Streambed Alteration Agreement Issued pursuant to this notification.

_____ Operator or Operator's Representative

_____ Date

STATE OF CALIFORNIA THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR
DEPARTMENT OF FISH AND GAME
CENTRAL COAST REGION
(707) 944-5520
Mailing address:
POST OFFICE BOX 47
YOUNTVILLE CALIFORNIA 94599
Street address:
7329 SILVERADO TRAIL
NAPA CALIFORNIA 94558

August 9, 2000

Notification Number: R3-1999-1157

[redacted]

1601 LAKE AND STREAMBED ALTERATION PERMIT

This permit/agreement is issued by the Department of Fish and Game pursuant to Division 2, Chapter 6 of the California Fish and Game Code:

WHEREAS, the applicant [redacted], hereafter called the Operator, submitted a signed NOTIFICATION proposing to substantially divert or obstruct the natural flow of, or substantially change the bed, channel, or bank of, or use material from the streambed or lake of the following water identified on the attached sheet and map: [redacted] Creek, located at Crossing [redacted], in the County of [redacted], State of California; and

WHEREAS, the Department has determined that such operations may substantially adversely affect existing fish and wildlife resources including water quality, hydrology, aquatic or terrestrial plant or animal species; and

WHEREAS, the project has undergone the appropriate review under the California Environmental Quality Act; and

WHEREAS, the Operator shall undertake the project as proposed in the signed PROJECT DESCRIPTION and PROJECT CONDITIONS (attached). If the Operator changes the project from that described in the PROJECT DESCRIPTION and does not include the PROJECT CONDITIONS, this permit is no longer valid; and

WHEREAS, the permit shall expire on December 31, 2001; with the work to occur between June 15 and October 15; and

WHEREAS, nothing in this permit authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of the responsibility for compliance with applicable Federal, State, or local laws or ordinances. Placement, or removal, of any material below the level of ordinary high water may come under the jurisdiction of the U. S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act;

THEREFORE, the Operator may proceed with the project as described in the PROJECT DESCRIPTION and PROJECT CONDITIONS. A copy of this permit, with attached PROJECT DESCRIPTION and PROJECT CONDITIONS, shall be provided to contractors and subcontractors and shall be in their possession at the work site.

This permit is approved by:

Robert W. Floerke
Regional Manager
Central Coast Region

cc: Lieutenant Sterbinsky
Warden Dunn
Robert Stafford

STATE OF CALIFORNIA-THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
CENTRAL COAST REGION
(707) 944-5520
Mailing address:
POST OFFICE BOX 47
YOUNTVILLE CALIFORNIA 94599
Street address:
7329 SILVERADO TRAIL
NAPA CALIFORNIA 94558

GRAY DAVIS, *Governor*

Notification # R3-1999-1157

[redacted]

1601 STREAMBED ALTERATION NOTIFICATION PROJECT DESCRIPTION AND CONDITIONS

This Agreement is between [redacted], represented by [redacted] hereinafter the Operator, and the State of California, Department of Fish and Game, Region 3, hereinafter called the Department.

PROJECT DESCRIPTION

The applicant proposes to install fiber optics cable underneath Waters of the State via directional boring below [redacted] Creek. There is one such crossing in this application, identified as [redacted] on the attached sheet and map. This is part of a fiber optics installation project from the cities of [redacted] The [redacted] segment, as well as other segments statewide that also have 1601 streambed alteration agreements with the Department, is described in Volumes I- III of the Initial Study / Final Mitigated Negative Declaration prepared by KEA Environmental (Application # A98-12-037) for the California Public Utilities Commission. The State Clearinghouse Number for this project is 990820006.

This agreement is limited to the directional bore of [redacted] Creek in [redacted] County.

PROJECT CONDITIONS

General Conditions

1. At least one week prior to construction, the Operator shall notify the Fiber Optics Coordinator of the anticipated commencement date for the crossing, by fax at (707) 944-5595. This information shall include the crossing number identified in the [redacted] Notification, the DFG Notification number, the stream name, the commencement date, and the names and telephone numbers of the construction supervisors and biological monitors assigned to the site.

2. The notification, together with all supporting documents (including the Mitigated Negative Declaration) are hereby incorporated into this agreement to describe the location and features of the proposed project. Operator agrees that all work shall be done as described in the notification and supporting documents, incorporating all project modifications, wildlife resource protection features, mitigative measures, and provisions as described in this agreement. The Operator further agrees that any and all additional work plans required by this agreement to be submitted prior to construction, and requiring Department approval prior to construction, shall be implemented as described in the approved plans and in this agreement. The Operator shall notify the Department in writing of any modifications made to the project plans submitted to the Department. Any significant modification, as determined by the Department, shall require an amendment to this agreement and payment of any appropriate fees. Failure to notify the Department of changes to the original plans may result in the Department suspending or canceling this agreement. The Operator must then submit a new notification.

3. Operator shall be liable for compliance with the provisions of this Agreement and shall be liable to the Department for its contractors' and subcontractors' compliance with the provisions of this Agreement.

4. Operator understands that notwithstanding this Agreement, Operator may be liable for violation of other provisions of the Fish and Game Code sections 5650, 5652, 5937, and 5948, in completing the work described in the Project Description.

5. The Department reserves the right to suspend or stop all operations for non-compliance of the conditions in this Agreement. Construction activities shall be allowed by the Department, once the violation of this Agreement has been corrected to the Department's satisfaction.

6. A copy of this Agreement must be provided to all contractors and subcontractors, and the Operator's project supervisors. Copies of this Agreement shall be available at the project site during all periods of active work, and must be presented to Department personnel upon request until the project and/or monitoring period(s) are completed.

7. A crew supervisor shall be on site the entire time the crew is working within a riparian or wetland zone. The supervisor shall be completely familiar with the terms and conditions of this Agreement, shall ensure compliance with all terms and conditions, and shall have a copy of the Agreement on site.

8. To the extent authorized or allowed by law, Operator shall provide Department personnel and their agents access onto the work site at any time during the period covered by this Agreement for the purposes of establishing compliance with this agreement.

9. Third-party CPUC monitors will also be given full access to the site and allowed to assist the Department by providing information if requested to do so. KEA Environmental, on behalf of the CPUC, will be responsible for third-party monitoring of all activities under this Agreement.

10. The Department further reserves the right to suspend and/or revoke and/or modify this Agreement if the Department determined that any of the following have occurred:

    A) Failure to comply with any of the terms/conditions of this Agreement.

    B) The information provided by the Operator in support of the Agreement is determined by the Department to be incomplete or inaccurate.

C) New information becomes available to the Department representative(s) that was not known when preparing the original terms/conditions of this Agreement (including but not limited to the occurrence of State or federally listed species in the area or risk to resources not previously observed).

D) The project as described in this Agreement has changed or conditions affecting the project have changed and these changes would adversely affect fish and wildlife resources as defined in the Fish and Game Code section 711.2.

11. This Agreement covers cable installation activity underneath waters of the state. Subsequent, routine cable maintenance activities will require a separate notification from the applicant.

12. In the event of conflicting provisions between this Agreement and the attached environmental documents, the provision with the most stringent protection for the streambed, as determined by the Department, will prevail.

13. In order to ensure maximal protection of sensitive animal and plant species within the project vicinity, the Applicant shall provide the Department complete mapping of all NDDB data prior to the start of construction.

14. Mitigation measures are proposed by the applicant in the Initial Study Chapter 5, Volume 1, and shall be adhered to by the applicant. In cases where conditions produced by the Department overlap with the applicant's proposal, the stricter standards shall prevail.

15. The Operator shall provide the Department with a weekly status report on activities authorized by this Agreement. This report shall use the same information that is used in Condition 1, and shall list the schedule of events (beginning dates, work in progress, and completion dates). The status report shall be submitted to the Department every Wednesday until the list of authorized activities is complete or there are scheduled periods of inactivity. The status report shall be sent via FAX transmittal to (707)944-5595.

16. The "Biological Assessment for Construction and Operation of the [redacted] Project [redacted] California," prepared by Jones and Stokes for the U.S. Fish and Wildlife Service and revised in March 2000 is hereby incorporated into the description of project activity, monitoring and mitigation.

17. Monitors will inspect any open section of bore pit or trench every morning and periodically during the course of the workday. If entrapped animals other than CRLF are found by the monitor or any other crew member, the biological monitor will be informed immediately. The biological monitor will immediately assist the animals in escaping from the bore pit or trench or will remove the animals. Captured animals will either be relocated immediately to suitable habitat outside the work area or temporarily retained, and returned to the site of capture after the project surface disturbance has been completed.

18. Any open bore pits or trenches will be inspected for entrapped animals and then closed at the end of each working day.

19. For cases of entrapment of CRLF, notification to the Department Wildlife Biologist, Bob Stafford (805) 528-8670, and to the Ventura office of the U.S. Fish and Wildlife Service shall be within one hour.

20. Only the lower branches of any tree within twenty-five (25) feet of the stream channel may be pruned to accommodate project activities. Understory riparian vegetation such as blackberries, willows, and tules, etc. may be pruned only as needed to accommodate project activities. No vegetation shall be removed by excavation or cutting off below the soil. All pruned material shall be removed from the area and properly disposed of.

21. In order to prevent the movement of invasive plant and animal species, fungi, and other biotic agents, equipment entering the site specified in this Agreement from external ecological regions shall be washed prior to entry and staging onto the construction sites. For the purposes of this Agreement, the region shall be known as [redacted] River Basin.

22. Any State- or Federally listed plants or plant populations occurring in the vicinity of the boreholes or staging areas that could be affected by project activities shall be provided with exclusion zones that will be flagged. Flagging shall be maintained in place during all periods of operation. It shall be the responsibility of the environmental monitors to orient the crews to these sites, and ensure that fencing is placed as necessary to prevent construction impacts. Flagging, temporary fences, etc. shall be removed upon completion of operations.

23. Absence of a trained biological monitor at this site during all periods of activity constitutes violation of this Agreement and may result in suspension of work or revocation of this Agreement. Monitors must receive project specific environmental training from a project biological monitor to be considered qualified to monitor environmental conditions. In the event that USFWS monitoring protocols, as stipulated in the Biological Opinion, differ with this condition, the more stringent provisions (as determined by the Department) shall prevail.

24. All turbid water from the boring and/or project activities shall be pumped into a holding facility or into a settling pond located in flat stable areas outside of the stream channel or lake and either recycled, or properly disposed of according to law. At no time shall turbid water from settling ponds be allowed to enter back into the stream channel until the water is at or below stream/lake background turbidity levels. If polymers or other clarifiers are used in settling ponds, pH shall be adjusted equal to the level of receiving waters prior to discharge.

25. Access to the work site shall be via existing right-of-way, roads and access ramps. Additional roads needed to access the stream channel or wetland areas to perform cleanup activities in the event of a petroleum, construction material, or deleterious substance spill or directional drilling frac-out, shall be coordinated with the Department. Should the situation pose a significant, immediate threat to the environment, the Operator may access the area immediately to implement containment measures, while concurrently contacting the Department.

26. Staging/storage areas for machinery, equipment, and materials shall be located outside of stream channels, wetlands and areas with riparian vegetation. Stationary equipment such as motors, pumps, generators, compressors, and welders located within the dry portion of the stream channel or adjacent to the stream will be positioned over drip pans. Vehicles will be moved out of the normal high water area of the stream prior to refueling and lubricating.

27. Vehicles shall not be driven or equipment operated in channels, or where wetland vegetation, riparian vegetation or aquatic organisms may be destroyed. All equipment shall maintain a setback of a minimum of forty (40) feet from the stream banks and twenty-five (25) feet from riparian zones.

28. Any equipment or vehicles driven and/or operated within or adjacent to the stream channel or wetlands shall be checked and maintained daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic life, wildlife or riparian habitat.

29. No phase of the project may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm event if that construction phase may cause the introduction of sediments into the stream. Seventy-two-hour weather forecasts from the National Weather Service shall be consulted prior to start up of any phase of the project that may result in sediment runoff to the stream, and construction plans made to meet this condition.

30. Prior to the onset of any storm that may impact the project site, a sediment barrier, properly constructed of straw bales, earthen berms, geotechnical devices, or silt filter fabric fencing, shall be installed where necessary to prevent silt laden water from the project site from entering the stream. Passage of sediment beyond the sediment barrier(s) is prohibited. If any sediment barrier fails to retain sediment, corrective measures shall be employed, and the Department notified immediately. The sediment barrier(s) shall be maintained in good operating condition throughout the period of construction of the project. This includes, but is not limited to, removal of accumulated silt and/or replacement of damaged bales and fabric fencing.

31. The Operator shall have readily available plastic sheeting or visquine and will cover exposed spoil piles and exposed areas to prevent these areas from losing loose soil into the stream. These covering materials shall be applied when it is evident rainy conditions threaten to erode loose soils into the stream.

32. During project activities, the Operator shall not dump, or allow to be dumped, any litter, construction debris, raw concrete or washings thereof, bentonite, trash, or refuse on the site. All such debris and waste shall be properly disposed of at an appropriate site. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.

33. Raw (uncured) cement/concrete or washings thereof, asphalt, paint or other coating material, oil, or other petroleum products, bentonite, or any other substances which could be hazardous to aquatic life, wildlife, or riparian habitat resulting form the project related activities, shall be prevented from contaminating the soil and/or entering the waters of the State. Any of these materials, placed within or where they may enter a stream, lake, or wetland by Operator or any party working under contract, or with the permission of Operator, shall be removed immediately.

34. Operator shall have spill control devices, such as oil absorbent pads, on site at each construction site where stream surface water is present. The Operator shall also have on-site a person properly trained in spill containment/clean-up to implement spill control devices in the event a spill occurs.

35. The clean up of all spills shall begin as soon as it is safe to do so. The Department shall be notified immediately by the Operator or an agent thereof, of any spills and shall be consulted regarding clean-up procedures.

36. All spills shall be reported on a standardized form and provided to the Department twice a month. This form should include a diagram of the bore and stream channel, with approximate location of streambed or bank fracture noted. The size of the machine used, type of lubricant used, pressure conditions, and characterization of streambed shall also be included in these forms, as well as the name and phone number of the employee most able to provide an account of the frac-out circumstances.

37. No trees with a trunk diameter at breast height (DBH) in excess of 12 inches tall shall be removed or damaged without prior consultation and approval of a Department representative. Hand tools may be used to trim vegetation to the extent necessary for site access. All cleared materials shall be removed from the riparian/stream zone.

38. If removal of large trees (>12"DBH) is unavoidable, mitigation measures shall be arranged with a Department representative. If mature perennial trees have been removed from within a stream channel or within twenty-five (25) feet of the top of a stream bank, they shall be mitigated for as directed by the Department.

Special Conditions

39. Boring activities and set-up activities for boring operations shall be situated outside of wetlands and riparian areas.

40. All baseline conditions at the borehole sites shall be photographed and recorded prior to construction and before the site is disturbed, and this record shall be provided to the Department. Any exposed slopes (5% or more) and disturbed portions of the stream channels shall be restored to as near their original condition as possible. A revegetation plan with native seed source, seed and planting mix, planting schedule, monitoring plan, and success criteria clearly defined shall be submitted to the Department for approval prior to the start of construction. The Department will have fifteen calendar days to approve the plan or provide the requirements for that approval. If the Department does not respond within 15 days, the plan shall be automatically approved.

41. The Operator shall design, pre-plan and direct the drilling operation in such a way as to minimize the risk of spills of all types and the release of drilling lubricants through fractures in the streambed or bank ("frac-outs"). In substrates where frac-outs are likely to occur, the Operator shall operate in a manner that will reduce risk, such as using lower pressure and greater boring depths.

42. Because of the greater difficulty in identifying the loss of bentonite or machine pressure without daylight, drilling operations at this tributary shall be limited to daylight hours. This shall be defined by the termination of drilling 30 minutes before dusk, and resumption of drilling at dawn. The contractor will make every effort to schedule drilling activities to be completed between dawn and 30 minutes to dusk. Should the drilling activities be within one hour of completion, 30 minutes before dusk, drilling activities may be allowed to continue for one more hour if the project environmental monitor and third-party CPUC monitor determine that completing the drilling activities will result in less risk to the stream than delaying completion until the next working day, and obtain approval from the Department. In the event that the stream is dry and the National Weather Service forecasts indicate no possibility of rain for a 24-hour period, this condition shall not apply.

43. At a minimum of 5 working days prior to commencing any drilling activity, the operator shall submit

boring plans on a standardized form for review and approval to the Department.

A. Boring plans should include:

a. A sketch of the construction sites, including equipment staging areas, approximate location of drill entry and exit points and the approximate location of access roads in relation to the surrounding area

b. Proposed depth of bore and statement of streambed condition (subsurface strata and percent of gravel and cobble) that supports the depth of the bore

c. Approximate length of bores (50 foot increments)

d. Type and size of boring equipment to be used (categorized as mini, mid or maxi)

1. Estimated time to complete bore

2. List of lubricants and muds to be used (MSDS sheets OK)

3. Name of Operator's agents and cell phone numbers

B. Frac-out prevention and clean-up plans should include:

a. Name(s) and phone numbers of environmental and biological monitor(s)

b. Site-specific resources of concern (if applicable, include factors such as possible presence of sensitive resources, e.g. preconstruction surveys for CRLF)

c. Monitoring protocols (include biological monitoring and frac-out monitoring)

d. Containment and clean-up plan (include staging location of vacuum trucks and equipment, equipment list, necessary hose lengths, special measures needed for steep topography, etc.)

44. Operator's Environmental Monitor shall provide on-site training for the work crews to ensure protection of all stream zones. The contractor will provide continuous monitoring of the [redacted] boring operation to ensure adequate protection controls have been installed. In addition, the contract compliance monitor will be present during drilling operations. Absence of a contract compliance inspector during drilling operations constitutes violation of this agreement and may result in a cease and desist order being issued by the Department. All field personnel will be briefed in their responsibility for timely reporting of frac-out released to monitor on site (see condition 7).

45. If a frac-out or spill occurs, the Operator shall notify:
1. Warden Dunn (805)466-4387
2. The Fiber Optics Coordinator (707) 944-5520 (leave message)

3. John McCullough, KEA (916) 563-7800
4. Central DFG Dispatch (916) 445-0045, if unable to contact 1., 2., or 3. above

If the frac-out or spill occurs before 9 A.M. or after 5 P.M. on weekdays, or on holidays or weekends, the Operator will leave a message with the Fiber Optics Coordinator and then notify Warden Jonathan Dunn at the numbers given above.

46. If a frac-out occurs, the Contractor is authorized to begin the following containment and clean up measures immediately. Where water flows allow, the Contractor shall immediately construct a sandbag well around the frac-out or place a standing pipe (such as a 55-gallon drum with the top and bottom removed, heavy PVC pipe or CMP or culvert type material) around the frac-out to contain the drilling mud. A trailer mounted vacuum or vacuum truck shall be deployed to vacuum out spilled drilling fluids that continue to leak. Removed drilling fluids shall not be placed where they are likely to re-enter the stream. All cleanup and containment efforts shall adhere to the Contingency Plan approved by the Department for spill response.

47. It is the Operator's professional judgement that a minimum of ten feet underneath dry and water-covered streambed in this notification is an adequate depth to minimize risk of frac-out, and that this depth is also sufficient to permanently withstand streambed scour and incision that may eventually leave the conduit, casing or product protruding through the streambed. In the event that frac-out frequency of the bores in this application is deemed to be too frequent (>10%) by the Department, the Department reserves the right to dictate that the bores shall be deeper.

48. Vehicles shall not be driven or equipment operated in channels, or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed. Where site-specific conditions allow, all equipment shall maintain a minimum setback of 25 feet from the stream banks and 25 feet from riparian zones. If any bore pits are in a roadway, these setbacks shall be at least 25 feet from the upper banks of the channel. At sites where it is not practical to maintain the aforementioned setbacks, the construction contractor, project biological monitor and the third-party CPUC environmental monitor shall review site-specific conditions and establish acceptable staging areas for the drill entry and exit points.

49. Secondary containment will be utilized for any portable equipment brought onto the project site (i.e. portable pumps). Secondary containment will consist of spill basins large enough to contain the equipment or earthen berms designed to encompass the equipment, lined with poly-ethylene sheeting. In addition, spill kits will be kept on site at all times for use in vehicle/equipment fuel or oil leaks. Spill kits will consist of a 5-gallon plastic bucket, 3-inch ring booms, and absorbent padding. Frac-out containment materials will also be kept on site.

50. Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation, shall be halted until effective Department approved control devices are installed, or abatement procedures are initiated. The Department may take enforcement action if appropriate turbidity and siltation control measures are not deployed.

51. Any sediment, including natural substrate, that enters the channel in a frac-out situation must be contained and removed from the channel as part of the clean-up procedure.

52. In the event that the Operator decides that it is possible to route the conduit across the tributary by trenching above or below a culvert, they may notify the Department of the design change, and the work period will not be restricted before October 15, 2000.

53. No trees or shrubs shall be disturbed that contain active bird nests until all eggs have hatched and young birds have fledged without prior consultation and approval of a Department representative.

I, the undersigned, state that the above is the final description of the project I am submitting to the Department for CEQA review, leading to a permit. I understand that I will implement the above project conditions required by the Department. I understand that I will not proceed with this project until the Department issues me a permit:

Applicant's Name (Print): [redacted] CEC

Applicant's Signature: [redacted]

Signed the 8th day of AUGUST, 2000

Notification No. 367-94 THP No. _____

AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION

THIS AGREEMENT, entered into between the State of California Department of Fish and Game, hereinafter called the Department, [redacted], State of California, hereinafter called the operator, is as follows:

WHEREAS, pursuant to Division 2, Chapter 6 of California Fish and Game Code, the operator, on the 3rd day of May 4, notified the Department that he intends to substantially divert or obstruct the natural flow of, or substantially change the bed, nel, or bank of, or use material from the streambed of, the following water: [redacted] Ck, [redacted] Ck, _____, in the County of [redacted], State of California, S_____ T_____ R_____. [redacted] Ck
Costa

WHEREAS, the Department (represented by [redacted] has made an inspection of subject area on the 1st day of May, 19 94, and) has determined that operations may substantially adversely affect existing fish and wildlife resources including: aquatic organisms, California ger salamander, mammals and birds, riparian and emergent aquatic vegetation

THEREFORE, the Department hereby proposes measures to protect fish and wildlife during the operator's work. The operator hereby s to accept the following recommendations as part of his work: Numbers 1,2,9,10,11,12,15,18,20,21,22 the list of recommendations on the back of this page and the following special recommendations:

. All work in or near the stream or lake shall be confined to the period Sept. 1, 1994 through April 30, 1996

SEE ATTACHED RECOMMENDATIONS

The operator, as designated by the signature on this agreement, shall be responsible for the execution of all elements of this agreement. A copy of this agreement must be provided to contractors and subcontractors and must be in their possession at the work site.

the operator's work changes from that stated in the notification specified above, this agreement is no longer valid and a new ation shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this agreement and with other ent Code Sections, including but not limited to Fish and Game Code Sections 5650, 5652 and 5948, may result in prosecution.

lothing in this agreement authorizes the operator to trespass on any land or property, nor does it relieve the operator of responsibility npliance with applicable federal, state, or local laws or ordinances.

HIS AGREEMENT IS NOT INTENDED AS AN APPROVAL OF A PROJECT OR OF SPECIFIC PROJECT URES BY THE DEPARTMENT OF FISH AND GAME. INDEPENDENT REVIEW AND RECOMMENDATIONS WILL ROVIDED BY THE DEPARTMENT AS APPROPRIATE ON THOSE PROJECTS WHERE LOCAL, STATE, OR RAL PERMITS OR OTHER ENVIRONMENTAL REPORTS ARE REQUIRED.

greement becomes effective on upon signatures of both parties

tor [redacted]

[redacted]

ization [redacted]

7/26/94

Department Representative

Title Environmental Services Supervisor

Department of Fish and Game, State of California

Date 6-9-94

RECOMMENDATIONS

1. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The disturbed portions of any stream channel or lake margin within the high water mark of the stream or lake shall be restored to as near their original condition as possible.

2. Restoration shall include the revegetation of stripped or exposed areas.

3. Rock, riprap, or other erosion protection shall be placed in areas where vegetation cannot reasonably be expected to become reestablished.

4. Installation of bridges, culverts, or other structures shall be such that water flow is not impaired and upstream or downstream passage of fish is assured at all times. Bottoms of temporary culverts shall be placed at or below stream channel grade. Bottoms of permanent culverts shall be placed below stream channel grade.

5. Placing design of concrete sills and other features [illegible] potentially impeding fish migrations must be approved by Department [illegible].

6. When any dam (any artificial obstruction) is being constructed, maintained [illegible] in operation, sufficient water shall at all times be allowed to pass downstream to maintain fish life below the dam.

7. An adequate fish passage facility must be incorporated at any barrier that obstructs fish passage.

8. Any temporary dam (any artificial obstruction) constructed shall only be built from material such as clean gravel which will cause little or no siltation.

9. No equipment will be operated in live stream channels.

10. Equipment shall not be operated in the stream channels of flowing live streams except as may be necessary to construct crossings or barriers and fills at channel changes.

11. When work in a flowing stream is unavoidable, the entire streamflow shall be diverted around the work area by a barrier, temporary culvert, and/or a new channel capable of permitting upstream and downstream fish movement. Construction of the barrier and/or the new channel shall normally begin in the downstream area and continue in an upstream direction, and the flow shall be diverted only when construction of the diversion is completed. Channel bank or barrier construction shall be adequate to prevent seepage into or from the work area. Channel banks or barriers shall not be made of earth or other substances subject to erosion unless first enclosed by sheet piling, rock riprap, or other protective material. The enclosure and the supportive material shall be removed when the work is completed and the removal shall normally proceed from downstream in an upstream direction.

12. Temporary fills shall be constructed of nonerodible materials and shall be removed immediately upon work completion.

13. Equipment shall not be operated in the lake or its margin except during excavation and as may be necessary to construct barriers or fills. If work in the lake is unavoidable, a curtain enclosure to prevent siltation of the lake beyond the immediate working area shall be installed. The enclosure and any supportive material shall be removed when the work is completed.

14. Silt settling basins shall be located away from the stream or lake to prevent discolored, silt-bearing water from reaching the stream or lake.

15. Preparation shall be made so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

16. Wash water containing mud or silt from aggregate washing or other operations shall not be allowed to enter a lake or flowing streams.

17. a) A silt catchment basin shall be constructed across the stream immediately below the project site. This catchment basin shall be constructed of gravel which is free from mud or silt.

b) Upon completion of the project and after flowing water in the stream is clear of turbidity, the gravel along with the trap, and sediment shall be removed from the stream.

18. If operations require moving of equipment across a flowing stream, such operations shall be conducted without substantially increasing stream turbidity. For repeated crossings, the operator shall install a bridge, culvert, or rock-fill crossing as specified in comments below.

19. If a stream channel has been altered during the operations its low flow channel shall be returned as nearly as possible to its natural state without creating a possible future bank erosion problem, or a flat wide channel or sluice-like area. If a lake margin has been altered, it shall be returned as nearly as possible to its natural state without creating a future bank erosion problem. The gradient of the streambed or lake margin shall be as nearly as possible the same gradient as existed prior to disturbance.

20. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the high water mark before such flows occur.

21. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any logging, construction, or associated activity of whatever nature shall be allowed to enter into or placed where it may be washed by rainfall or runoff into, waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake.

22. The operator will notify the Department of Fish and Game of the date of commencement of operations and the date of completion of operations at least five days prior to such completion.

RECOMMENDATIONS FOR 1603 #367-94

1. The relocated [redacted] Road will cross streams or tributaries at 29 locations ([redacted] Project - [redacted]). Bridges or box culverts will be constructed at five (5) locations. Work at the remaining 24 crossings will consist of the installation of culverts, roadside ditches, or stilling basins. Two existing stock ponds will be completely filled, two existing stock ponds will be partially filled and recontoured, and two new stock ponds will be constructed. Work planned at each stream crossing is shown in the accompanying engineering drawings.

   Mitigations for adverse effects on stock ponds, stream habitat, and riparian vegetation will be implemented as described in the Wetlands Mitigation Plan for the [redacted] Project (Jones and Stokes 1993a, JSA 90-211), Valley Oak and Riparian Woodland Habitat Mitigation Plan for the [redacted] Project (Jones and Stokes, August 1993), and Special-Status Amphibian and Reptile Conceptual Mitigation Plan for the [redacted] Project ([redacted] 1993, JSA 93-007).

2. Work in stream channels or upon their banks shall be prohibited during the "wet weather season" except as follows:

   a. When the construction activity can be completed within 5 days and the weather forecast does not predict significant rainfall (≥ 0.5 inch in any single storm event) during the 5-day period, or

   b. When authorized by a California Department of Fish and Game representative on a case-by-case basis.

   Seasonal constraints on construction activities within streambeds will <u>not</u> apply:

   c. Where there is no flow in the individual stream being affected by construction and zero flow conditions will continue for the duration of the construction activity in the streambed, or

   d. At those locations where temporary facilities were installed prior to the wet weather season for the purpose of bypassing flow and isolating the construction area from the streambed and silt can be contained within the basin.

The "wet weather season" is defined as follows:

a. Beginning October 1 of each year, a "wet weather season" shall commence when cumulative rainfall for the season totals 7.0 inches or more at the [redacted] gage, <u>or</u> when instantaneous flows in [redacted] Creek reach or exceed 1.0 cfs as measured at the [redacted] gage.

b. The "wet weather season" shall terminate when flows in [redacted] Creek recede below 1.0 cfs at the [redacted] gage but in no year shall the termination date be prior to May 1st, regardless of flow.

3. The erosion control plan prepared for [redacted] by its construction contractor will be submitted to the Department. The measures identified will become requirements of this agreement. The contractor shall direct and control runoff at all times so that sediments are not discharged into streams.

4. Water to be used for construction purposes may not be extracted from stock ponds unless they are determined not to support any life stages of red legged frogs and/or California tiger salamanders.

5. All work shall be done according to the plans submitted to the Department. The Operator shall notify the Department of any modifications made to the project plans submitted to the Department. At the discretion of the Department, minor plan modifications may require an amendment to this agreement. At the discretion of the Department, if substantial modifications are made to the original plans, this agreement becomes void and the Operator must submit a new application.

6. Temporary construction crossings of [redacted] Creek, [redacted] Creek and its major tributary, and [redacted] Creek not specified in the Drainage and Grading plans will require separate notification to the Department.

7. Any equipment or vehicles driven and/or operated within or adjacent to the channel shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic life.

8. The clean-up of all spills of toxic substance shall begin immediately. The Department shall be notified immediately by the operator of any spills and shall be consulted regarding clean-up procedures.

9. The Department reserves the right to suspend and/revoke this agreement if the Department determines that the circumstances warrant. The circumstances that could require a re-evaluation include, but are not limited to, the following:

   a. Failure to comply with the terms/conditions of this agreement.

   b. The information provided by the operator in support of the agreement/notification is determined by the Department to be incomplete, or inaccurate.

   c. When new information becomes available to the Department representative(s) that was not known when preparing the original terms/conditions of this agreement.

   d. The project as described in the notification/agreement has changed or conditions affecting fish and wildlife resources change.

10. If, in the opinion of the Department, conditions arise or change in such a manner as to be considered deleterious to aquatic life, operations shall cease until corrective measures are taken.

11. In the event that the project scope, nature, or environmental impact is altered by the imposition of subsequent permit conditions by any lead agency, special district, or federal regulatory authority, the applicant shall resubmit a notification to the Department and seek a new entitlement to proceed.

12. The drainage channel identified as Item 28 on DG-8 and DG-9 Segment B of the Drainage and Grading Plan will be modified by substituting rock from the specified concrete lining to allow the maintenance of a soft bottom and the development of stream associated vegetation.

13. All contractors and subcontractors shall be informed of the provisions of this agreement and will be responsible for complying with its terms and conditions.

14. The Department shall be notified at least 72 hours prior to the beginning of stream crossing construction or excavation. Contact person for the Department is Mr. Carl Wilcox, (707) 944-5525.

15. The terms of this agreement are September 1, 1994 through April 30, 1996.

January 21, 1999

Warden Steven Stiehr
California Department of Fish and Game
Region 3 Central Coast
P. O. Box 47
Yountville, CA 94599

SUBJECT: Request for Confirmation of No Jurisdiction of the California Fish and Game Code Section 1601 - [redacted] Pipeline Intertie to [redacted] Reservoir Project, [redacted] County, California

Dear Warden Stiehr:

On behalf of the [redacted], Jones & Stokes Associates requests confirmation that the proposed [redacted] Pipeline Intertie to [redacted] Reservoir Project is not subject to Section 1601 of the California Fish and Game Code and that a streambed alteration agreement is not required. According to the wetland delineation conducted by Jones & Stokes Associates (enclosed), 1.13 acres of jurisdictional waters of the United States, including wetlands, are present onsite. The proposed pipeline will cross under [redacted] Creek and the [redacted] Vasteway. Pursuant to Section 404 of the Clean Water Act (CWA), a preconstruction notification has been submitted to the U.S. Army Corps of Engineers under Nationwide Permit 12, and in compliance with Section 401 of the CWA, a request for water quality certification has been submitted to the Regional Water Quality Control Board (enclosed).

The proposed project site is located immediately northeast of the [redacted] Treatment Plant at [redacted] Reservoir, northeast of the intersections of Highways [redacted], on the [redacted] California 7.5-minute quadrangle, Township 2 North, Range 2 West (Figure 1). The [redacted] Pipeline Intertie would be constructed parallel to the existing [redacted] Pipeline.

The existing [redacted] Pipeline is the main source of raw water supply to [redacted] Reservoir. Built in the 1930s, [redacted] Pipeline is vulnerable to damage during an earthquake because of its age. Construction of the proposed 48-inch parallel pipeline would increase seismic reliability of the system. The new [redacted] Pipeline Intertie would be buried and extend north approximately 3,000 feet from the northeast corner of [redacted] Reservoir along the western side of the existing [redacted] Pipeline and [redacted] right-of-way (Figure 2).

Most of the pipeline would be constructed using an open-cut trenching technique using backhoes or excavators. Trench depth would vary but would typically be 8 feet deep, with greater depths in isolated areas to avoid existing utilities. An erosion and sediment control plan and a storm

Jones & Stokes Associates, Inc.
2600 V Street, Suite 100 • Sacramento, CA 95818-1914 • Fax 916/737-3030 • 916/737-3000

water pollution prevention plan will be implemented during the construction phase of the proposed project to ensure the project complies with state water quality standards. Where the pipeline will cross [redacted] Creek and the [redacted] Wasteway, the pipeline would be installed using the bore and jack method rather than open-cut trenches. This method involves the use of a horizontal boring machine or auger to drill a hole under the crossing. After the bore is completed, a steel casing is jacked using a large hydraulic jack in a pit located at one end of the crossing. The jacking pit is typically an excavation (with appropriate shoring) that is 12–15 feet wide and 30–35 feet long. When the pipe installation is completed, the area would be backfilled and returned to its original condition. This method of construction under [redacted] Creek and [redacted] Wasteway would not alter the beds, channels, or banks of the water bodies. Construction is expected to occur between August 15 and November 15, 1999.

The proposed project may temporarily affect approximately 0.44 acre of jurisdictional waters of the United States, including wetlands, due to construction activities associated with installing the pipeline. This estimate represents a maximum level of effects calculated by superimposing an estimated area of potential effects over the verified delineation (Figure 3). Actual effects from construction are anticipated to be less than this estimate.

Jones & Stokes Associates conducted full surveys for the presence of federally listed and state-listed plant species and reconnaissance-level surveys for wildlife species, and none of the species have been identified as occurring at the site. [redacted] has proposed to bore and jack its pipeline under [redacted] Creek and the [redacted] wasteway to avoid marginal habitat in the creek channel. [redacted] has also incorporated into its construction schedule avoidance of construction activities during the wet season. Therefore, no effects on California red-legged frog from project construction will occur.

[redacted] has also incorporated environmental commitments into its project design to ensure that no adverse effects occur on the endangered salt marsh harvest mouse. The probability of occurrence of this species at this site is very low because adjacent wetland areas are not tidally influenced, pickleweed vegetation is sparse and patchy, and no mice were observed during the field survey. Nevertheless, to ensure that no effects occur on this species from construction activities, [redacted] has committed to installing temporary mouse-proof barrier fences around pickleweed areas. Before construction, [redacted] will set live traps in the construction corridor. In the unlikely event that salt marsh harvest mice are found at the site, captured mice would be placed outside the barrier fence to ensure that no mice are affected by project construction. Pickleweed areas would be restored following project construction.

[redacted] has incorporated the following specific environmental commitments into the project design to ensure that wetland impacts are minimized:

- bore and jack the pipeline at creek crossings;
- avoid construction activities during the wet season;
- protect jurisdictional wetlands in or adjacent to the construction area;
- implement a storm water pollution prevention plan; and
- restore affected seasonal wetland habitat.

Based on our knowledge and experience, the proposed construction methods will effectively avoid any effects on [redacted] Creek and the [redacted] channel, and Section 1601 of the California Fish and Game Code does not apply. To facilitate your review of the proposed project, we are including a copy of the verified wetland delineation, a copy of the preconstruction notification submitted to the Corps, a copy of the request for water quality certification submitted to the Regional Water Quality Control Board, and a copy of the Draft Initial Study/Negative Declaration for the [redacted] Improvements Project.

If you require any further information regarding this project, please call me at 916/737-3000.

Sincerely,

[redacted]
Project Manager

SC:ms

Enclosures:
Delineation of Waters of the United States
Nationwide Permit 12 Preconstruction Notification
Request for Water Quality Certification
Draft Initial Study/Negative Declaration for the [redacted] Improvements Project

cc: Mr. Clyde Davis - U.S. Army Corps of Engineers
Mr. Martin Musonge - Regional Water Quality Control Board
[redacted]

STATE OF CALIFORNIA – THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

GRAY DAVIS, Governor

RECEIVED
FEB 16 1999

February 11, 1999

STATEMENT REGARDING STREAMBED ALTERATION NOTIFICATION
NOTIFICATION NO. **085-99**
Negative Declaration

This is a statement by the State of California, Department of Fish and Game, hereinafter called the Department, regarding streambed alterations proposed by [redacted], Jones & Stokes Associates, Inc. 2600 V. St. #100 Sacramento, CA 95818, representing [redacted], hereinafter called the operator.

Whereas, pursuant to Section 1600, 1601, and/or 1603 of the CA Fish and Game Code, the operator, on the 25th day of January, 1999, notified the Department that he intends to substantially divert or obstruct the natural flow of, or use material from the streambed or bank, or place material on the bank of, the following water: [redacted] Creek in the County of [redacted], State of California.

Whereas, the Department hereby certifies that the project, "[redacted] Pipeline Intertie to [redacted] Reservoir" will avoid perennial drainage's by using the bore and jack method (on [redacted] Creek and the [redacted] Wasteway, and fencing around the unnamed drainage to avoid impacts to the bed or banks or riparian vegetation, and a biological monitor shall be on site during installation of the protective fencing and after work at the sensitive area is complete to insure no damage has occurred, as discussed with Nicole A. Kozicki, Department personnel, will not adversely affect fish or wildlife resources. However, no silt, concrete or other contaminate shall be allowed to or placed where it may, enter the creek. If the bore and jack method poses a threat to the bed of the creek the operator shall immediately notify the Department.

Therefore, no measures to protect fish and wildlife during the operator's work are proposed. Except those stated in the previous paragraph.

If the operator's work changes from that as stated in his notification specified above, this statement is no longer valid. The operator shall submit a new notification of her proposed work to the Department pursuant to the CA Fish and Game Code.

Nothing in this statement authorizes the operator to trespass on any land or property, nor does it relieve the operator of responsibility for compliance with applicable Federal, State, or local laws or ordinances.

Department Representative _____

Title Fish and Game Warden #343

Date Feb 11, 1999

Conserving California's Wildlife Since 1870.