



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 20, 2020

Rick Rogers
San Lorenzo Valley Water District
13060 Highway 9
Boulder Creek, CA 95006
rrogers@slvwd.com

Dear Mr. Rogers:

Final Lake or Streambed Alteration Agreement, Notification No. 1600-2020-0072-R3, Fall Creek; Fall Creek Fish Ladder Improvement Project

Enclosed is the final Streambed Alteration Agreement (Agreement) for the Fall Creek Fish Ladder Improvement Project (Project). Before the California Department of Fish and Wildlife (CDFW) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, CDFW determined your Project is exempt from CEQA and filed a Notice of Exemption (NOE) on the same date it signed the Agreement.

Under CEQA, the filing of an NOE triggers a 35-day statute of limitations period during which an interested party may challenge the filing agency's approval of the Project. You may begin the Project before the statute of limitations expires if you have obtained all necessary local, state, and federal permits or other authorizations. However, if you elect to do so, it will be at your own risk.

If you have any questions regarding this letter, please contact Monica Oey, Environmental Scientist at (707) 428-2088 or by email at monica.oey@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Craig J Weightman

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Craig J. Weightman, Environmental Program Manager

ec: Carly Blanchard, San Lorenzo Valley Water District
cblanchard@slvwd.com

California Department of Fish and Wildlife, Bay Delta Region
Lieutenant S. Schindler, Law Enforcement Division

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
BAY DELTA REGION
2825 CORDELIA ROAD, SUITE 100
FAIRFIELD, CA 94534
(707) 428-2002



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2020-0072-R3
FALL CREEK

SAN LORENZO VALLEY WATER DISTRICT
FALL CREEK FISH LADDER IMPROVEMENT PROJECT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and the San Lorenzo Valley Water District (Permittee) as represented by Rick Rogers.

RECITALS

WHEREAS, pursuant to Fish and Game Code section 1602, Permittee notified CDFW on March 4, 2020 that Permittee intends to complete the project described herein.

WHEREAS, pursuant to Fish and Game Code section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project is located at Fall Creek, a tributary to the San Lorenzo River, in the County of Santa Cruz, State of California; Latitude 37.053223, Longitude -122.079656; Section 21, Township 10S, Range 2W, U.S. Geological Survey (USGS) map Felton; Assessor's Parcel Number 065-013-34.

PROJECT DESCRIPTION

The San Lorenzo Valley Water District (Permittee) operates a water diversion and fish ladder structure within Fall Creek, approximately 0.41 miles upstream of the confluence with the San Lorenzo River.

The fish ladder structure was constructed approximately 30 years ago to accommodate a water diversion that provided water to the town of Felton, CA. The fish ladder currently spans the entire width of the stream channel and includes four weir structures that are numbered 1, 2, 3 and 4, with 1 being the structure furthest downstream and 4 being the furthest upstream. Each of the four weirs are made of concrete with 4-foot wide flashboards. Weirs 1 through 4 are made of timber and are level in cross section. Weir 4 contains a "V" shaped flashboard that provides appropriate water depth for a diversion intake and two submerged 16-inch cylindrical fish screens.

The purpose of the project is to make improvements to the fish ladder to improve adult salmonid passage during most flow regimes. The project is limited to:

- Temporary dewatering of approximately 200 linear feet.
- Excavation of approximately 300 feet of debris.
- Removal of approximately 25 cubic yards of rock slope protection.
- Removal and relocation of the current intake pipes, pumps, screens, and concrete pad.
- Laying back the slope, in the vicinity of the existing access stairs and intake pipes, to improve slope stability and provide temporary construction access.
- Installation of 81 cubic yards of ¼-ton rock slope protection.
- Modification of the four existing concrete weirs and installation of two new concrete weirs downstream of weir 1 to meet new design profile and 12-inch vertical drops.
- Installation of a grade control weir structure upstream of the intake.
- Replacement of the existing ladder, catwalks, and railings to maintain access for fish ladder and intake operation and maintenance.
- Relocation of an existing 6-inch diameter waterline.
- Upgrading existing foundation along existing concrete walls and weir, if needed.

PROJECT IMPACTS

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

Common Name	Scientific Name	Status
California giant salamander	<i>Dicamptodon ensatus</i>	SSC
California red-legged frog	<i>Rana draytonii</i>	FT, SSC
San Francisco dusky-footed woodrat	<i>Neotoma fuscipes annectens</i>	SSC
Santa Cruz black salamander	<i>Aneides niger</i>	SSC
Steelhead – central CA coast DSP	<i>Oncorhynchus mykiss irideus</i>	FT
Nesting and migratory birds		
Native fish and aquatic species		

Notes:

FT = federally threatened under ESA; SSC = state species of special concern

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

- Disruption to natural flow of the stream from temporary dewatering of the project site;
- Temporary disruption to fish passage;
- Loss of sediment and debris transfer and deposition from sediment and debris removal;
- Increased turbidity;
- Short-term release of contaminants (e.g., incidental from construction);
- Direct take of terrestrial and aquatic species; and
- Disruption to nesting and migratory birds.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 No Trespass. To the extent that any provisions of this Agreement provide for activities that require the Permittee to traverse another owner's property, such provisions are agreed to with the understanding that the Permittee possesses the legal right to so traverse. In the absence of such right, any such provision is void.

- 1.6 Unauthorized Take. The Permittee is required to comply with all applicable state and federal laws, including the California Endangered Species Act (CESA) and Federal Endangered Species Act (ESA). This Agreement does not authorize the take of any state or federal endangered, threatened, or candidate species. Liability for any take or incidental take of such listed species remains the responsibility of the Permittee for the duration of the project. Any unauthorized take of such listed species may result in prosecution and nullification of the Agreement.
- 1.7 Work According to Documents. Except as they are contradicted by measures required by this Agreement, all work shall be conducted in conformance with the project description above and the avoidance, minimization, and mitigation measures provided in the notification package.
- 1.8 CDFW-Approved Qualified Biologists and Biological Monitors. Permittee shall submit to CDFW for written approval, the names and resumes of all qualified biologists and biological monitors involved in conducting surveys or monitoring work. Permittee shall submit the names and resumes to CDFW at least fourteen (14) days before the start of the project or before the start of surveys.
- Resumes shall include educational background, experience with focal species and description of experience with each focal species (e.g., tagging, handling, observational surveys, electrofishing, relocation, auditory surveys, etc.), including number of hours/years of experience per species, trainings/workshops, and certificates or related credentials. Please include experience with different life stages of a species when applicable.
 - A qualified biologist is an individual who shall have a minimum of five years of academic training and professional experience in biological sciences and related resource management activities with a minimum of two years conducting surveys for each species that may be present within the project area.
 - Biological monitors shall have academic and professional experience in biological sciences and related resource management activities as it pertains to this project.

Permittee shall not enter into non-disclosure agreements with biological staff or otherwise implement penalties or disincentives restricting direct communication with CDFW.

- 1.9 On-going Water Diversion. This Agreement does not cover the on-going diversion of water from Fall Creek. Permittee shall submit a Notification of Lake or Streambed Alteration to cover the diversion of water from Fall Creek within six (6) months of when this Agreement is finalized.

2. Avoidance and Minimization Measures

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

2.1 Work Period.

- All work shall begin on or after June 15 and all work shall be completed by October 31 of each year.
- Debris that is blocking fish passage can be removed outside of this seasonal work period, if work can be conducted without harming fish, the fish ladder, cause water quality issues (e.g., release of a large pulse of sediment), or require temporary water diversion. For example, the removal of a tree trunk lodged between the fish ladder weirs.
- All concrete within the high flow line shall be poured before September 15th to ensure an adequate curing time prior to precipitation events.

2.2 Work Period Modification. If Permittee needs more time to complete project activities, work may be authorized outside of the work period and extended on a week-by-week basis with written approval from CDFW. Permittee shall obtain approval by providing a written request to Monica Oey, Environmental Scientist, by email at monica.oey@wildlife.ca.gov at least fourteen (14) calendar days prior to October 15.

The request shall include: 1) a description of the project activities already completed; 2) a description of the project activities that needs to be completed; 3) the time required to complete project activities; 4) photos of project activities that are already completed; and 5) photos of the project area that project activity will continue.

Work period variances are issued at the discretion of CDFW. CDFW will review the written request to work outside of the established work period and may require additional measures to protect fish and wildlife resources as a condition for granting the variance. Any additional measures shall be considered part of this Agreement.

2.3 Conduct Work during Daylight Hours. Work is restricted to daylight hours, one hour after sunrise to sunset.

2.4 Work Period in Dry Weather Only. Project activities within the stream and riparian corridor shall be restricted to dry weather as allowed during the work period specified in Measure 2.1. Project activities shall be timed with awareness of precipitation forecasts and potential increases in stream flow. Project activities

within the stream and riparian corridor shall cease when the National Weather Service (NWS) 24-hour weather forecast indicates a 40 percent chance or higher of precipitation of at least 0.10-inch of precipitation. All necessary erosion control measures shall be implemented prior to the onset of precipitation. Any construction equipment and materials shall be removed if inundation is likely. Project activities halted due to precipitation may resume after a dry out period of 24-hours and when the NWS 24-hour weather forecast indicates less than a 40 percent chance of precipitation. If the rain event is more than a 0.25-inch per hour rain event, Permittee shall not recommence work until there is a dry out period of 24 hours after the rain event ceases. Weather forecasts shall be documented upon request by CDFW.

Biological Resource Protections

- 2.5 Training Session for Personnel. Permittee shall ensure that a CDFW-approved qualified biologist (see Measure 1.8) conducts an education program for all persons employed on the project prior to performing project activities. Instruction shall consist of a presentation by the CDFW-approved qualified biologist that includes a discussion of the biology and general behavior of any sensitive species which may be in the area, how they may be encountered within the work area, and procedures to follow when they are encountered. The status of CESA-listed species including legal protection, penalties for violations and project-specific protective management measures provided in this Agreement shall be discussed. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to on-site project activity. Copies of the Agreement for this project shall be maintained at the worksite with the project supervisor.
- 2.6 Special-Status Fish and Wildlife Surveys. Within 48 hours prior to the start of project activities, a CDFW-approved qualified biologist (see Measure 1.8) shall survey the project area at the appropriate time of day for presence of special-status species that may be present (e.g., salamander species, bird nest). The qualified biologist shall record all wildlife species encountered during surveys and submit the record to CDFW within seven (7) days after survey completion (see Measure 3.5). CDFW reserves the right to provide additional measures to this Agreement designed to protect special-status species.
- 2.7 Qualified Biologist and Biological Monitors with Stop Work Authorization. The CDFW-approved qualified biologist and biological monitors shall have the ability to stop or restrict work if they determine that the project activity is not in compliance with this Agreement. If there are issues with the CDFW-approved qualified biologist or biological monitor stopping work, please inform CDFW.
- 2.8 Nesting Bird Surveys. If project activities are scheduled between February 1 and September 15, a focused survey for active bird nests shall be conducted by the

CDFW-approved qualified biologist (see Measure 1.8) within seven (7) days prior to the beginning of project activities and if there is a four day or more lapse in project construction. The methodology and results of the survey shall be sent to Monica Oey, Environmental Scientist by email at monica.oey@wildlife.ca.gov within seven (7) days of survey completion (see Measure 3.5).

The minimum survey radii surrounding the work area shall be the following: i) 250 feet for passerines; ii) 500 feet for other small raptors such as accipiters; iii) 1,000 feet for larger raptors such as buteos.

- 2.9 Active Nest Protection. If active nests are found, the CDFW-approved qualified biologist shall establish an appropriate buffer to comply with the Migratory Treaty Act of 1918 and Fish and Game Code 3503. The CDFW-approved qualified biologist shall document pre-construction baseline monitoring of the nest to characterize "normal" bird behavior. The CDFW-approved qualified biologist shall monitor the nesting birds and shall increase the buffer if they determine the birds are showing signs of unusual or stressed behavior by project activities. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The CDFW-approved qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established. To prevent encroachment, the established buffer(s) shall be clearly marked for avoidance. The established buffer(s) shall remain in effect until the young have fledged or the nest has been abandoned as confirmed by the CDFW-approved qualified biologist. Signs of nest abandonment, as determined by the CDFW-approved qualified biologist, shall be reported to CDFW within 24 hours. Notification shall be made to Monica Oey by email at monica.oey@wildlife.ca.gov.

San Francisco Dusky-footed Woodrat (SFDW) Protections

- 2.10 SFDFW Surveys. 30 days before project commencement a CDFW-approved qualified biologist shall conduct a survey of SFDW nests and determine whether the nests are active or inactive. Upon survey completion, the Permittee shall submit results of the survey along with a map indicating the location(s) of the nest(s) to CDFW with seven (7) days of survey completion (see Measure 3.5).
- 2.11 Active SFDW Nest Buffers. If active SFDW nests are found during SFDFW surveys. The active nest site shall be designated as "Ecologically Sensitive Areas" (ESA) and protected during project construction with establishment of flagging or a fence barrier surrounding the nest site. CDFW recommends that the minimum distance of 10 feet is used for the protective buffer protecting the nest.

- 2.12 Active SFDW Nest Avoidance. The Permittee shall avoid removal of all active SFDW nests. If SFDW nests removal cannot be avoided, Permittee shall submit a SFDW Nest Removal Plan to CDFW for comment and written approval. The SFDW Nest Removal Plan shall include methods on how the Permittee plans on handling SFDW nests that cannot be avoided (e.g., nest relocation). Permittee shall receive CDFW written approval of the SFDW Nest Removal Plan before SFDW nests are removed.

California Red-Legged Frog (CRLF) Measures

- 2.13 Cease Activities for CRLF. If CRLF enters the work area, all work shall stop until the CDFW-approved qualified biologist (see Measure 1.8) relocates the animal or it leaves on its own. Only the CDFW-approved qualified biologist, with appropriate federal approval, can handle and relocate CRLF. See Measure 2.27 for relocation techniques. Any sightings and/or injuries of this species shall be immediately reported to CDFW Environmental Scientist, Monica Oey at (707) 428-2088 or made by email to monica.oey@wildlife.ca.gov.
- 2.14 CRLF Protections. In the event CRLF are found in the project area, the CDFW-approved qualified biologist or biological monitor (see Measure 1.8) shall direct and inspect all vegetation, sediment removal, and dewatering activities.
- 2.15 Vegetation Disposal. If CRLF are found in the project area, vegetation removed from the project site will be placed directly into a disposal vehicle and removed from the site. Vegetation will not be piled on the ground unless it is later transferred, piece by piece, under the direct supervision of a CDFW-approved qualified biologist or biological monitor.
- 2.16 Vehicle Restrictions. If CRLF are found in the project area, any vehicle parked on site for more than 15 minutes shall be inspected by the CDFW-approved qualified biologist or biological monitor before it is moved to ensure that CRLF have not moved under the vehicle. Any parking areas must be checked before vehicles park in the area by the biological monitor or qualified biologist.
- 2.17 CRLF Daily Inspection. In the event CRLF are found in the project area, the CDFW-approved qualified biologist or biological monitor shall inspect the work area and areas adjacent to the work area that will support excavation equipment prior to mobilization of excavation equipment. If the biological monitor determines the excavation work site does not occupy sensitive species, equipment may be moved into the site under the observation of the biological monitor.

Habitat Protective Measures

- 2.18 Change in Conditions. If CDFW finds that project conditions change in a manner that becomes deleterious to the stream or wildlife, project activities shall stop until corrective measures, approved in writing by CDFW, are taken.

- 2.19 Limitations on Vegetation Removal. The disturbance or removal of vegetation shall not exceed the minimum necessary to implement the project. Precautions shall be taken to avoid or damage vegetation by people or equipment. Objects embedded/anchored in the bank, such as tree stumps, shall not be removed. However, protruding objects that could capture additional debris and result in obstruction of the channel (e.g., the branches and trunk of a downed tree) may be trimmed.
- 2.20 No Tree Removal. No trees over four (4) inches diameter at breast height (DBH) shall be removed.
- 2.21 Invasive Plants. Permittee shall not plant, seed or otherwise introduce invasive exotic plant species. Prohibited exotic plant species include those identified in the California Exotic Pest Plant Council's database, which is accessible at: <http://www.cal-ipc.org/ip/inventory/index.php>. Invasive plant material removed during work activities shall be bagged and appropriately incinerated or disposed of in a landfill or permitted composting facility.
- 2.22 Disinfect Equipment Prior to Entry into Watercourses. To prevent spread of invasive aquatics and diseases, equipment that will be used in watercourses including, but not limited to boots, waders, hand tools, and nets shall be decontaminated with a minimum 5% chlorine solution for 2 minutes prior to entry into a watercourse. In addition, if a piece of equipment has been exposed or is suspected to have been exposed to areas harboring New Zealand mud snails, then the equipment must either be dried out for two weeks, frozen for 48 hours, or placed in 55° C water for 5 minutes.

Temporary Stream Diversion

- 2.23 Temporary Stream Diversion. If necessary, Permittee shall temporarily divert stream flow out of the work area during project implementation. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses. Any temporary dam or other artificial obstruction constructed shall be built from materials such as sandbags or clean gravel that will cause little or no siltation. No other diversion method shall be used without authorization of CDFW. If alternate diversion method is desired, the Permittee shall submit a plan detailing the desired diversion method to Monica Oey by email at monica.oey@wildlife.ca.gov, for written approval.
- 2.24 Check Hourly for Stranded Aquatic Species During Dewatering. During temporary dewatering of the project area, a CDFW-approved qualified biologist (see Measure 1.8) shall check for stranded aquatic life, at least once an hour, as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas, using the techniques described in Measure 2.27.

- 2.25 Maintenance of Stream Diverted Flow. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall always be allowed to pass downstream to maintain aquatic life and fish passage.
- 2.26 Removal of Stream Diversion Structure. Immediately after project completion, Permittee shall remove all structures associated with temporary stream diversion, including but not limited to dams, pipes, sandbags, and plastic sheets, and restore normal flows of the stream at that project site.
- 2.27 Relocation of Native Fish and Amphibians. During installation of diversion structure(s), a CDFW-approved qualified fisheries biologist, with the necessary federal authorization, shall capture and relocate native fish, reptile, and amphibian species to suitable habitat to areas not subject to dewatering. Measures shall be taken to avoid harm and mortality resulting from fish, reptile, and amphibian relocation activities, as follows:
- 2.27.1 Relocated Fish and Amphibians Records. Relocated fish and amphibians shall be moved to the nearest appropriate site for their protection and survival. The CDFW-approved qualified fisheries biologist shall record all relocated fish and amphibians. The record shall include the date of capture and relocation, the method of capture, the location of the relocation site in relation to the project site, and the number and species of fish captured and relocated. The record shall be submitted seven (7) days after relocation is complete (see Measure 3.5).
- 2.27.2 Release Locations Criteria. Before capturing fish and amphibians, an appropriate release location(s) shall be determined. Permittee shall use the following criteria: (1) water temperature in the release locations shall be similar to water temperature at the capture location; (2) place species in locations containing protective cover (e.g., emergent vegetation or bank overhangs for captured fish); (3) be in proximity to the capture site however there shall be a low likelihood for the relocated species to re-enter the work site; (4) contain suitable habitat; (5) not be affected by project activities, and (6) to the best of the qualified biologists knowledge, relocation areas shall be free of exotic predatory species (e.g., bullfrogs).
- 2.27.3 Handling Species. Handling of fish and amphibians shall be limited. However, when handling is necessary, the CDFW-approved qualified fisheries biologist shall always wet hands or nets prior to touching fish and amphibians.
- 2.27.4 Proper Holding Technique. The CDFW-approved fisheries qualified biologist shall temporarily hold fish and amphibians in cool, shaded, aerated water in a flow-through plastic container or buckets with water aeration devices. The CDFW-approved qualified fisheries biologist shall

protect fish and amphibians from jostling and noise and shall not remove fish from this container until the time of release.

- 2.27.5 Water Temperatures and Water Changes. The CDFW-approved qualified fisheries biologist shall measure air and water temperatures periodically. A thermometer shall be placed in holding containers and, if necessary, periodically conduct partial water changes to maintain cool temperatures.
- 2.27.6 No Overcrowding. Overcrowding in containers shall be avoided by having at least two (2) containers and segregating young-of-year fish and amphibians from larger age-classes to avoid predation. Larger amphibians, such as California giant salamanders, shall be placed in the container with larger fish. If fish are abundant, the capturing of fish and amphibians shall cease periodically and shall be released to the predetermined locations.
- 2.27.7 Relocate Native Fish and Native Amphibians during Cool Temperatures. The CDFW-approved qualified biologist shall conduct relocation activities in the morning when the temperatures are cooler.
- 2.27.8 Timing of Initial Fish and Amphibian Relocation. If feasible, the CDFW-approved qualified biologist and qualified biologist shall perform initial fish and amphibian relocation efforts several days prior to the start of construction. This provides the qualified biologists and opportunity to return to the work area and perform additional fish and amphibian relocation immediately prior to construction.

Concrete Measures

- 2.28 Concrete Containment Structure. Permittee shall install concrete containment structure(s) to control the placement of wet concrete and to prevent it from exiting the structure and entering the stream or riparian area. Permittee shall also have containment structures, such as a plastic pool, to place excess wet concrete during construction.
- 2.29 Concrete Designated Monitor. At all times when Permittee is pouring or working with wet concrete, there shall be a designated monitor to inspect the containment structures and ensure that no concrete or other debris enters into the channel outside of those structures. Runoff from the concrete is not allowed to enter the stream channel at any time.
- 2.30 On-site Poured Concrete. On-site poured concrete shall be excluded from the wetted channel from a period of 30 days after it is poured. During that time, the poured concrete shall be kept moist, and runoff from the concrete shall not be allowed to enter a live stream. Commercial sealants may be applied to the poured concrete surface where difficulty in excluding water flow for a long period may

occur. If sealant is used, water shall be excluded from the site until the sealant is dry.

- 2.31 Incidental Wet Concrete Spill. In the case of an incidental wet concrete spill, Permittee shall immediately notify CDFW of the incident. Notification should include what actions were taken to stop the spill of wet concrete, clean-up actions, impacts, and any remediation activities that were or will be implemented.

Erosion and Sediment Control

- 2.32 Erosion Control. At no time shall silt laden runoff be allowed to enter the stream or directed to where it may enter the stream. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from exposed slopes threatens to enter the stream. Erosion control measures, such as, silt fences, straw hay bales, gravel or rock lined ditches, water check bars, and broadcasted straw shall be used wherever sediment has the potential to leave the work site and enter the stream.
- 2.33 No Geo-Textile and Monofilament Netting. To minimize the risk of entangling and strangling wildlife, Permittee shall not place erosion control materials containing synthetic (e.g., plastic or nylon) monofilament netting. Any geo-textile material or filter fabric used within the Project boundary shall not any contain petroleum-based products. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, coconut (coir) fiber, or other products without welded weaves. No geotextile fabrics shall be placed where they may be exposed to stream flows.
- 2.34 Disposal and Removal of Materials. All removed spoils and construction debris shall be moved outside the work area prior to inundation by water. Spoil sites shall not be located within the stream channel or areas that may be subjected to stream flows, where spoil may be washed back into a stream, or where it may impact streambed habitat, aquatic or riparian vegetation. All removed material shall be disposed of according to state and local laws and ordinances.
- 2.35 Cease Project for Elevation of Turbidity Levels. Upon CDFW determination that turbidity/siltation levels resulting from project related activities are a threat to aquatic life, activities associated with the turbidity/siltation levels shall stop until effective CDFW-approved control devices are installed, or abatement procedures are initiated.

Construction Measures

- 2.36 No Equipment Heavy Equipment in Channel. No heavy equipment (e.g., excavator) shall be operated within the channel. All heavy equipment shall be operated from the top of bank.

- 2.37 Dry Work Area. Work shall be conducted when the project area is dry.
- 2.38 Treat Exposed Areas. All exposed/disturbed areas and access points within the riparian zone left barren of vegetation because of the project activities shall be restored by seeding with a blend of native erosion control grass seed or planted with native vegetation. Seeded areas shall be mulched. Landscape fabric shall not be used. Revegetation shall be completed as soon as possible after project activities in those areas stop. Seeding placed after October 15 must be covered with broadcast straw, jute netting, coconut fiber blanket or similar erosion control blanket.
- 2.39 Disposal and Removal of Materials. All removed spoils and maintenance debris shall be moved outside the work area prior to inundation by water. Spoil sites shall not be located within the stream channel or areas that may be subjected to stream flows, where spoil may be washed back into a stream, or where it may impact streambed habitat, aquatic, or riparian vegetation. All removed material shall be disposed of off-site according to state and local laws and ordinances.
- 2.40 Stockpiled Materials. Building materials and/or maintenance equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when rain events are forecasted.
- 2.41 No Dumping and Trash. Permittee and all contractors, subcontractors, and employees shall not dump any litter or construction debris within the stream, or where it may pass into the stream. Permittee shall pick up and properly dispose of all trash (e.g., food wrappers, zip ties, etc.) daily.
- 2.42 Escape Ramp in Trench. At the end of each work day, Permittee shall place an escape ramp at each end of the open trench to allow any animals that may have become entrapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees.
- 2.43 Pipes, Hoses, and Similar Structures. All pipes, hoses, or similar structures less than 12 inches in diameter shall be closed or covered to prevent animal entry. All construction pipes or similar structures greater than 2-inches in diameter stored at the project site overnight shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved.
- 2.44 Silt Fence Removal. Permittee shall remove and properly dispose of all silt fence and associated material from the project site when construction is finished.
- 2.45 Equipment over Drip Pans. Stationary equipment such as motors, pumps, generators, compressors, and welders, located within or adjacent to the stream and riparian area shall be positioned over drip-pans.

- 2.46 Check Equipment. Permittee shall check equipment for leaks. In the case where leaks occur, Permittee shall fix the leak and remediate any areas where oil, lubricants, or hazardous materials have spilled. For example, if an equipment is leaking oil onto native soil, Permittee shall stop the leak and remove oil laden soil from the project site and properly dispose material. Permittee shall then fill in any excavation sites with fill, as appropriate.
- 2.47 Toxic Materials. Any hazardous or toxic materials that could be deleterious to aquatic life that could be washed into the stream or its tributaries shall be contained in watertight containers or removed from the project site.
- 2.48 Hazardous Materials. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, wildlife, or riparian habitat resulting from the project related activities shall be prevented from contaminating the soil and/or entering the Waters of the State.
- 2.49 Spill Kits. Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use.
- 2.50 Spill of Material Deleterious to Fish and Wildlife. In the event of a hazardous materials spill into a stream (e.g., concrete or bentonite), Permittee shall immediately notify the California Office of Emergency Services State Warning Center by calling 1-800-852-7550 and immediately provide written notification to CDFW by email at monica.oey@wildlife.ca.gov. Permittee shall take all reasonable measures to document the extent of the impacts and affected areas including photographic documentation of affected areas and injured or dead fish and wildlife species. Permittee shall meet with CDFW within ten (10) days of the reported spill in order to develop a resolution including: site clean-up, site remediation and compensatory mitigation for the harm caused to fish, wildlife and the habitats on which they depend as a result of the spill. The Permittee shall be responsible for all spill clean-up, site remediation and compensatory mitigation costs. Spill of materials to waters of the state that are deleterious to fish and wildlife are in violation of Fish and Game Code section 5650 et. seq. and are subject to civil penalties for each person responsible. CDFW reserves the right to refer the matter to the District Attorney's Office if a resolution cannot be agreed upon and achieved within a specified timeframe, generally six months from the date of the incident.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 CDFW Approval of Final Design Plans. Permittee shall submit the final design plans to CDFW for written approval. Permittee shall not begin project activities or implement the project until Permittee receives CDFW written approval of the final design plans. Designs shall meet fish passage criteria for adult salmonids as described in the California Salmonid Stream Habitat Restoration Manual available online at <https://wildlife.ca.gov/Grants/FRGP/Guidance>.
- 3.2 CDFW Approval of Fisheries and Streamflow Monitoring Plan. Permittee shall submit a Fisheries and Streamflow Monitoring Plan to CDFW for comment and written approval. The Fisheries and Streamflow Monitoring Plan shall include monitoring techniques and methods that will be used to determine if the fish ladder is meeting design criteria, fish passage, and whether current bypass flows are protective of biological resources. The plan shall include biological resource monitoring, streamflow monitoring, and annual reporting. Permittee shall not begin project activities or implement the project until Permittee receives CDFW written approval of the Fisheries and Streamflow Monitoring Plan. Once the Fisheries and Streamflow Monitoring plan receives CDFW written approval, Permittee shall implement the Fisheries and Streamflow Monitoring Plan. If monitoring results find that the current bypass flows do not protect biological resources, Permittee, in coordination with CDFW, shall develop appropriate bypass flow, conjunctive use programs, and/or mitigation project(s).
- 3.3 CDFW Approval of Operation and Maintenance Plan. Permittee shall submit an Operation and Maintenance Manual (O&M) for the Fall Creek fish ladder to CDFW for comment and written approval. Permittee shall not begin project activities or implement the project until Permittee receives CDFW written approval of the O&M. Once the O&M receives CDFW written approval, Permittee shall implement the O&M.
- 3.4 Notification of Commencement & Completion to CDFW. Permittee shall notify CDFW in writing, at least five (5) calendar days prior to initiation and within five (5) days of when the fish ladder is constructed and temporary water diversion infrastructure are removed. Permittee shall notify CDFW by email to Monica Oey at monica.oey@wildlife.ca.gov. Please refer to Notification Number 1600-2020-0072-R3 when emailing CDFW.
- 3.5 Survey Reports. Survey results for nesting birds, special status species, and species relocation efforts shall be submitted to CDFW within seven (7) days of survey completion.

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- 3.6 Photographic Documentation of Work. Permittee shall take photos of the project site before and after project construction and submit photos within 30 days of project completion.
- 3.7 Notification to the California Natural Diversity Database. If any listed, rare, or special status species are detected during project surveys, on, and/or around the project site during project activities, the Permittee shall submit CNDDDB Field Survey Forms to CDFW in the manner described at the CNDDDB website (<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>) within five (5) working days of the sightings. Copies of such submittals shall also be submitted to the CDFW regional office as specified below.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Rick Rogers
San Lorenzo Valley Water District
13060 Highway 9
Boulder Creek, CA 95006
Phone: (831) 338-7986 ext. 624
Email: rogers@slvwd.com

To Contact:

Carly Blanchard
San Lorenzo Valley Water District
13060 Highway 9
Boulder Creek, CA 95006
Phone: (831) 338-7986 ext. 639
Email: cblanchard@slvwd.com

To CDFW:

Department of Fish and Wildlife
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534

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Attn: Lake and Streambed Alteration Program – Monica Oey
Notification #1600-2020-0072-R3
Phone – (707) 428-2088
Email – monica.oey@wildlife.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take

of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

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

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with Fish and Game Code section 1605, subdivision (b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with Fish and Game Code section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable Fish and Game Code section 711.4 filing fee listed at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall expire on **December 31, 2024**, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as Fish and Game Code section 1605, subdivision (a)(2) requires.

EXHIBITS

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

A. Notification of Lake or Streambed Alteration #1600-2020-0072-R3.

AUTHORITY

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

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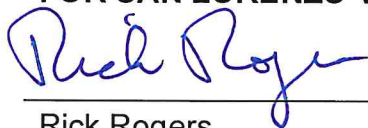
AUTHORIZATION

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

CONCURRENCE

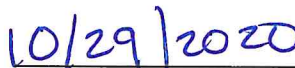
The undersigned accepts and agrees to comply with all provisions contained herein.

FOR SAN LORENZO VALLEY WATER DISTRICT



Rick Rogers

Permittee Representative



Date

FOR DEPARTMENT OF FISH AND WILDLIFE

DocuSigned by:



7988F6C4FDC24F2...
Craig J. Weightman

Environmental Program Manager

11/20/2020

Date

Prepared by: Monica Oey, Environmental Scientist

Date Sent: August 27, 2020

Date Revised: September 4, 2020; October 23, 2020



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FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
3-4-2020	\$5430.50	\$		1600-2020-0072-R3
Assigned to: Monica Oey		Lt. Schindler		

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Complete EACH field, unless otherwise indicated, following the [instructions](#) and submit ALL required enclosures, attachments, and fee(s) to the [CDFW regional or field office](#) that serves the area where the project will occur. Attach additional pages to notification, if necessary.

1. APPLICANT PROPOSING PROJECT

Name	Rick Rogers
Business/Agency	San Lorenzo Valley Water District
Mailing Address	13060 Highway 9
City, State, Zip	Boulder Creek, CA, 95006
Phone Number	(831) 338-7986 ext. 624
Email	rrogers@slvwd.com

2. CONTACT PERSON (Complete only if different from applicant.)

Name	Carly Blanchard
Business/Agency	San Lorenzo Valley Water District
Mailing Address	13060 Highway 9
City, State, Zip	Boulder Creek, CA, 95006
Phone Number	(831) 338-7986 ext. 639
Email	cblanchard@slvwd.com

While an applicant is legally responsible for complying with Fish and Game Code section 1602 et seq., an applicant may designate and authorize an agent (e.g., lawyer, consultant, or other individual) to act as a Designated Representative. The Designated Representative is authorized to sign the notification and any agreement on behalf of the Applicant.

Do you authorize the Contact Person above to represent you as your Authorized Designated Representative?

☒ Yes, I authorize. ☐ No, I do not authorize.

3. PROPERTY OWNER (Complete only if different from applicant)

Name	
Mailing Address	
City, State, Zip	
Phone Number	
Email	



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4. PROJECT NAME AND AGREEMENT TERM

A. Project Name	Fall Creek Fish Ladder Improvement Project		
B. Agreement Term Requested	<input checked="" type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)		
C. Project Term	Beginning (year)	2020	Ending (year) 2025
D. Seasonal Work Period			
Season(s)*	Start Date (month/day)	End Date (month/day)	E. Number of Work Days
1	06/01	10/31	45
2			
3			
4			
5			

* Continue on additional page(s) if necessary

5. AGREEMENT TYPE

Check the applicable box. If boxes B – F are checked, complete the [specified attachment](#).

A.	<input checked="" type="checkbox"/> Standard (Most construction projects, excluding the categories listed below)	
B.	<input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A)	Mine I.D. Number: _____
C.	<input type="checkbox"/> Timber Harvesting (Attachment B)	THP Number: _____
D.	<input type="checkbox"/> Water Diversion/Extraction/Impoundment (Attachment C)	SWRCB Number: _____
E.	<input type="checkbox"/> Routine Maintenance (Attachment D)	
F.	<input type="checkbox"/> Cannabis Cultivation (Attachment E)	
G.	<input type="checkbox"/> CDFW Grant Programs	Agreement Number: _____
H.	<input type="checkbox"/> Master	
I.	<input type="checkbox"/> Master Timber Operations	



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6. FEES

See the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. Note: CDFW may not process this notification until the correct fee has been received.			
	A. Project Name	B. Project Cost	C. Project Fee
1	Fall Creek Fish Ladder Improvement Project	\$750,000	\$5,430.50
2			
3			
4			
5			
6			
7			
8			
9			
10			
		D. Base Fee (if applicable)	
		E. TOTAL FEE*	\$5,430.50

* Check, money order, and [Visa or MasterCard](#) (select Environmental Fees from Menu) payments are accepted.

7. PRIOR NOTIFICATION AND ORDERS

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, CDFW for the project described in this notification?		
<input checked="" type="checkbox"/> Yes (Provide the information below) <input type="checkbox"/> No		
Applicant	Notification Number	Date
James Mueller	1600-2013-0204-R3	09/17/2013
B. Is this notification being submitted in response to a court or administrative order or notice, or a notice of violation (NOV) issued by CDFW?		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Enclose a copy of the order, notice, or NOV. If the applicant was directed to notify CDFW verbally rather than in writing, identify the person who directed the applicant to submit this notification, the agency he or she represents, and describe the circumstances relating to the order.)		
Name of person who directed notification	Agency	
Describe circumstances relating to order		
<div style="text-align: right;"><input type="checkbox"/> Continued on additional page(s)</div>		



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6. FEES

See the [current fee schedule](#) to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. **Note: CDFW may not process this notification until the correct fee has been received.**

A. Project Name		B. Project Cost	C. Project Fee
1	Fall Creek Fish Ladder Improvement Project	\$750,000	\$5,313.00
2			
3			
4			
5			
6			
7			
8			
9			
10			
		D. Base Fee (if applicable)	2019 fee
		E. TOTAL FEE*	\$5,313.00

* Check, money order, and [Visa or MasterCard](#) (select Environmental Fees from Menu) payments are accepted.

7. PRIOR NOTIFICATION AND ORDERS

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, CDFW for the project described in this notification?

☒ Yes (Provide the information below)

☐ No

Applicant	Notification Number	Date
James Mueller	1600-2013-0204-R3	09/17/2013

B. Is this notification being submitted in response to a court or administrative order or notice, or a notice of violation (NOV) issued by CDFW?

☐ Yes ☒ No (Enclose a copy of the order, notice, or NOV. If the applicant was directed to notify CDFW verbally rather than in writing, identify the person who directed the applicant to submit this notification, the agency he or she represents, and describe the circumstances relating to the order.)

Name of person who directed notification	Agency
Describe circumstances relating to order	

☐ Continued on additional page(s)



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8. PROJECT LOCATION

A. Address or description of project location.

(Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway.)

The District currently operates a water diversion structure and fish ladder on Fall Creek: location Lat 37.053223°N, Long •122.079656°W, approximately one half mile from the town of Felton.

From Highway 1 north, take Highway 9 north to Felton. Turn left on Fall Creek Drive and drive until end of the road. The fish ladder can be seen upstream of the pedestrian foot bridge.

From Highway 1 south, take Highway 9 north to Felton. Turn left on Fall Creek Drive and drive until end of the road. The fish ladder can be seen upstream of the pedestrian foot bridge.

☒ Continued on additional page(s)

B. River, stream, or lake affected by the project. **Fall Creek**

C. What water body is the river, stream, or lake tributary to? **San Lorenzo River, Pacific Ocean**

D. Is the river or stream segment affected by the project listed in the state or federal [Wild and Scenic Rivers Acts](#)?

☐ Yes

☒ No

☐ Unknown

E. County **Santa Cruz**

F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Felton	10S	02W	21	NE

☐ Continued on additional page(s)

K. Meridian (check one)

☐ Humboldt

☒ Mt. Diablo

☐ San Bernardino

L. Assessor's Parcel Number(s)

065-013-34

☐ Continued on additional page(s)

M. Geographic coordinates *(Provide the latitude and longitude coordinates for the property where the project(s) will take place. CDFW utilizes decimal degrees and WGS 84 datum. Access [Google Maps Help](#) if you need assistance in finding your coordinates.)*

Latitude/Longitude	Latitude: 37.053223	Longitude: -122.079656
	Latitude:	Longitude:
	Latitude:	Longitude:
	Latitude:	Longitude:
	Latitude:	Longitude:



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NOTIFICATION OF LAKE OR STREAMBED ALTERATION
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9. PROJECT CATEGORY

WORK TYPE	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR-MAINTAIN-OPERATE EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat dock/pier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Filling of wetland, river, stream, or lake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical survey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Habitat enhancement – revegetation/mitigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Levee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low water crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road/trail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment removal: pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
flood control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary stream crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility crossing: horizontal directional drilling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
jack/bore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
open trench	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water diversion without facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water diversion with facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify): Fish Passage Impvt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>



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NOTIFICATION OF LAKE OR STREAMBED ALTERATION
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10. PROJECT DESCRIPTION

- A. Describe the project in detail. Include photographs of the project location and immediate surrounding area.
- Written description of all project activities with detailed step-by-step description of project implementation.
 - Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing.
 - Specify volume, and dimensions of all materials and features (e.g., rip rap fields) that will be used or installed.
 - If water will be diverted or drafted, specify the purpose or use and include [Attachment C](#).
 - Enclose diagrams, drawings, design plans, construction specifications, and maps that provide all of the following: site specific construction details; dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, stockpile areas, areas of temporary disturbance, and where the equipment/machinery will access the project area.
 - A helpful resource to assist in the development of quality PDF maps in Google Earth. See [Using Google Earth to Map your Property \(PDF\)](#).

The District's Fall Creek Fish Ladder comprises four concrete weirs spanning the entirety of the channel. Each concrete weir includes four-foot wide flashboards. The three most downstream flashboards are made of timber and are level in cross section. A "V" shaped flashboard installed in the most upstream weir provides adequate depth for the submergence of two 16-inch diameter cylindrical screens which divert water to a pump column. The diverted water is pumped up the bank to the District's distribution pipes. The distribution pipes are covered by a layer of rock slope protection which extends from the toe of the slope to the top of bank. The fish screens are set on a concrete pad in the pool upstream of Weir #1 (Exhibit Sheet C-1) and are protected from debris by a metal debris fence.

Concrete stairs provide access from the roadside landing to the concrete structure adjacent to the fish ladder. A series of metal stairs and rungs provide access to each concrete weir. A pressure gage is attached to Weir #1 which the District uses for flow measurement.

The Fall Creek fish ladder was originally constructed around 1974 as part of the Citizens Utilities Company of California's water intake for the Town of Felton. California American Water subsequently purchased the water company and conducted little to no maintenance on the fish ladder during its ownership. In 2008, the Felton community organized and purchased the water system and turned it over to SLVWD to operate and manage.

Constructed approximately 30 years ago as the primary water intake for the town of Felton, the fish ladder has been suffering from performance issues related to subsurface piping below the existing concrete slabs, some of which was addressed in 2013. In addition, under low flow conditions, the average drop height between existing concrete and timber flashboard weirs is approximately 18 inches, limiting fish passage for both juvenile and adult salmonids under some flows.

☒ Continued on additional page(s)

- B. Specify the equipment and machinery that will be used to complete the project.

The selected contractor will be responsible for all means and methods. Likely equipment includes hand work in the channel, with gas, electric or pneumatic breakers for demolition, a crane, mini-excavator, skid-steer, concrete pump, gas-powered compactor (hand held), pumps for diversion, delivery trucks for rsp, concrete, equipment, etc. Most likely, a mid-size excavator will be used to grade the slope and place rsp.

☐ Continued on additional page(s)

- C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B).

☒ Yes ☐ No (Skip to box 11)

- D. Will the project require work in the wetted portion of the channel?

☒ Yes (Enclose a plan to divert water around work site)
☐ No **Please see attached designs**



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11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

The length of the construction area (i.e., fish ladder and intakes) is approximately 100 feet, but the dewatered area may extend up to another 50 feet each upstream and downstream of the work area for an estimated total length of 200 feet of dewatering. This is an incised 20-25 foot wide channel with nearly vertical 20-35 foot bedrock slopes on either side. Excavation of 300 ft of sediment, removal of 25 cyd of existing rsp, installation of 81 cyd of 1/4T rsp, construction of a grade control weir structure upstream of the intake and 2 concrete weirs downstream of existing weirs will occur within the wetted channel with an overhead forest canopy composed of redwood, bay laurel, Douglas fir, coastal live oak, tanoak and madrone.

☐ Continued on additional page(s)

B. Will the project affect any vegetation?

☐ Yes (Complete the tables below) ☒ No (Include aerial photo with date supporting this determination)

Vegetation Type	Temporary Impact	Permanent Impact
	Linear feet: _____ Total area: acres _____	Linear feet: _____ Total area: _____
	Linear feet: _____ Total area: sq ft _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)

☐ Continued on additional page(s)

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

☒ Yes (List each species and/or describe the habitat below) ☐ No ☐ Unknown

Central California Coast Steelhead (*Oncorhynchus mykiss*), California Giant Salamander (*Dicamptodon ensatus*). See attached botanical survey report (Lyons, 2018) and wildlife assessment report (Steiner, 2018).

☒ Continued on additional page(s)

D. Identify the source(s) of information that supports a "yes" or "no" answer above in Box 11.C.

CNDDDB, local biologists and staff from NMFS, CDFW, County of Santa Cruz, Wildlife Assessment (Steiner 2018), Botanical Assessment (Lyons 2018).

☐ Continued on additional page(s)

E. Has a biological study been completed for the project site?

☒ Yes (Enclose the biological study) ☐ No

Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.



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F. Has one or more technical studies (e.g., engineering, hydrologic, geological, or geomorphological) been completed for the project or project site?

☒ Yes (Enclose the study(ies))

☐ No

Note: One or more technical studies may be required to evaluate potential project impacts to a lake or streambed.

G. Have fish or wildlife resources or waters of the state been mapped or delineated on the project site?

☒ Yes (Enclose the mapped results)

☐ No

Note: Check "yes" if fish and wildlife resources or waters of the state on the project site have been mapped or delineated. "Wildlife" means and includes all wild animals, birds, plants, fish, amphibians, reptiles and related ecological communities, including the habitat upon which the wildlife depends." (Fish & G. Code, § 89.5.) If "yes" is checked, submit the mapping or delineation. If the mapping or delineation is in digital format (e.g., GIS shape files or KMZ), you must submit the information in this format for CDFW to deem your notification complete. If "no" is checked, or the resolution of the mapping or delineation is insufficient, CDFW may request mapping or delineation (in digital or non-digital format), or higher resolution mapping or delineation for CDFW to deem the notification complete.

12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

A. Describe the techniques that will be used to prevent sediment, hazardous, or other deleterious materials from entering watercourses during and after construction.

The site will be dewatered prior to any in-stream activity. A qualified biologist will install block nets and electrofish the stream reach to remove salmonids and will be present during dewatering to move remaining fish and monitor water quality.

☒ Continued on additional page(s)

B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.

See attached.

☒ Continued on additional page(s)

C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.

Not applicable.

☒ Continued on additional page(s)



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13. PERMITS

List any local, State, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

- A. Army Corps of Engineers, Nationwide Permit ☒ Applied ☐ Issued
- B. Regional Water Quality Control Board, 401 certification ☒ Applied ☐ Issued
- C. National Marine Fisheries Service, Biological Opinion ☒ Applied ☐ Issued
- D. Unknown whether ☐ local, ☐ State, or ☐ federal permit is needed for the project. (Check each box that applies)
☒ Continued on additional page(s)

14. ENVIRONMENTAL REVIEW

A. Has a <u>CEQA</u> lead agency been determined?		<input checked="" type="checkbox"/> Yes (Complete boxes B, C, D, E, and F) <input type="checkbox"/> No (Skip to box 14.G)	
B. CEQA Lead Agency	San Lorenzo Valley Water District		
C. Contact Person	Rick Rogers	D. Phone Number	(831) 338-7986 ext. 639
E. Has a draft or final document been prepared for the project pursuant to CEQA and/or NEPA?			
<input type="checkbox"/> Yes (Check the box below for each CEQA or NEPA document that has been prepared and enclose a copy of each.) <input checked="" type="checkbox"/> No (Check the box below for each CEQA or NEPA document listed below that will be or is being prepared.)			
<input checked="" type="checkbox"/> Notice of Exemption <input type="checkbox"/> Initial Study <input type="checkbox"/> Negative Declaration <input type="checkbox"/> THP/ NTMP	<input type="checkbox"/> Mitigated Negative Declaration <input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Notice of Determination (Enclose) <input type="checkbox"/> Mitigation, Monitoring, & Reporting Plan	<input type="checkbox"/> NEPA document (type): _____	
F. <u>State Clearinghouse Number</u> (if applicable)			
G. If the project described in this notification is not the "whole project" or action pursuant to CEQA, briefly describe the entire project (Cal. Code Regs., tit. 14 § 15378).			
<input type="checkbox"/> Continued on additional page(s)			



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H. Has a CEQA filing fee been paid pursuant to Fish and Game Code section 711.4?

☐ Yes (Enclose proof of payment)

☒ No (Briefly explain below the reason a CEQA filing fee has not been paid)

Note: The CEQA filing fee is in addition to the notification fee. If a CEQA filing fee is required, the Lake or Streambed Alteration Agreement may not be finalized until paid.

It is anticipated that a CEQA Notice of Exemption will be filed.

15. SITE INSPECTION

Check one box only.

☐ In the event CDFW determines that a site inspection is necessary, I hereby authorize a CDFW representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant CDFW such entry.

☒ I request CDFW to first contact (insert name) Carly Blanchard at
 (insert phone number or email address) (831) 338-7986 ext. 639 to schedule a
 date and time to enter the property where the project described in this notification will take place. I understand
 that this may delay CDFW's determination as to whether a Lake or Streambed Alteration Agreement is required
 and/or CDFW's issuance of a draft agreement pursuant to this notification.

16. DIGITAL FORMAT

Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

☒ Yes (Please enclose the information via digital media with the completed notification form.)

☐ No

17. SIGNATURE

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, CDFW may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless CDFW has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

 Signature of Applicant or Applicant's Authorized Representative

 Date

 Rick Rogers

 Print Name