



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
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Fairfield, CA 94534  
(707) 428-2002  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



August 26, 2019

Chen-hsuan Hsieh  
City of San Ramon Public Works Department  
2401 Crow Canyon Road  
San Ramon, CA 94583

Dear Mr. Hsieh:

**Final Lake or Streambed Alteration Agreement, Notification No. 1600-2019-0003-R3, City of San Ramon Routine Maintenance 2019**

Enclosed is the final Streambed Alteration Agreement (Agreement) for the City of San Ramon Routine Maintenance 2019 (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 Jennifer Rippert, Environmental Scientist, at (707) 428-2069 or by email at [Jennifer.Rippert@wildlife.ca.gov](mailto:Jennifer.Rippert@wildlife.ca.gov).

Sincerely,

James Starr, Environmental Program Manager

cc: California Department of Fish and Wildlife  
Lieutenant Garrett  
Wildlife Officer Nielsen  
Wildlife Officer Twomey

**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. 1600-2019-0003-R3  
CITY OF SAN RAMON

CHEN-HSUAN HSIEH  
CITY OF SAN RAMON PUBLIC WORKS DEPARTMENT  
CITY OF SAN RAMON ROUTINE MAINTENANCE AGREEMENT 2019

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and the City of San Ramon Public Works Department as represented by Chen-hsuan Hsieh.

## **RECITALS**

WHEREAS, pursuant to Fish and Game Code section 1602, Permittee notified CDFW on January 4, 2019 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 in the city of San Ramon, Contra Costa County in the State of California. The watersheds included in this project are South San Ramon Creek, Norris Creek, Coyote Creek, Oak Creek, San Ramon Creek, Bollinger Creek, San Catano Creek, Watson Creek, and designated portions of Alamo Creek. Pond "I" and West Branch Alamo Creek are not covered under this Agreement.

## **PROJECT DESCRIPTION**

The project is limited to routine maintenance activities within the city limits of San Ramon. "Routine maintenance activities" are generally defined as periodic activities

necessary to maintain the water transport capacity of streams and channels and maintain the structural and functioning integrity of existing concrete lined channels and sediment detention structures within or affecting streams. Routine maintenance activities authorized under this Agreement are described below.

- Debris and Sediment Removal – Trash, rubbish, natural debris, man-made material or other non-living materials will be removed using on-foot personnel or heavy equipment operated from top of bank to restore flow to natural or cement-lined channels. Sediment deposits will be removed from stream channels to maintain normal flows as specified in Measure 2.33 of this Agreement. This activity will occur during periods of minimal or low flow following installation of sediment basins at the downstream end of operations, if applicable. No heavy equipment or vehicles are permitted to enter the channel without prior approval from CDFW.
- Vegetation Management – Woody and herbaceous plants lodged in the bed or bank causing flow restriction will be trimmed or removed at the bed or bank invert using non-motorized hand-tools, power tools or wench and cable equipment. Heavy equipment may be operated from the top of the bank but shall not be allowed in the bed, channel or side of bank. Root structures will not be disturbed or removed.
- Tree Removal – Removal of fallen trees, branches and associated debris necessary to maintain water transport capacity of streams, concrete lined channels and detention basins will be permitted by hand or winch and cable equipment operated from beyond the top of bank. No tracked or wheeled equipment may enter the bed, channel, or side of bank.
- Weed Abatement – Vegetation control of weeds and grasses on channel banks will be conducted by hand-held mowing equipment to extend possible. Vegetation control by application of herbicides shall only occur above top of bank along access roads adjacent to flood control channels south of San Ramon Creek, Norris Creek, and Coyote Creek. Use of herbicides limited to products registered for use by Cal EPA for the intended target, location, and climatic conditions. Only hand-held equipment will be used for herbicide spray or chemical mowing. No herbicide shall be applied directly to or adjacent to water (where application could drift into a water body) without evidence of compliance with Cal EPA standards and written permission from CDFW.
- Bank Infrastructure and Repair – Bank repair will consist of slide debris removal, backfill and compaction with native soil as specified in Measure 2.39 of this Agreement. Banks will be stabilized using geotechnical and environmental engineering solutions when feasible. Repair and replenishment of rip-rap and

hardscape material (i.e. concrete) will only occur in areas previously secured with rip-rap or hardscape material in fields not greater than previously existing dimensions.

- Culvert Repair and Replacement – Culvert repair includes in kind replacement of deteriorating or collapsed culverts, unplugging of culverts, headwall reinforcement with compacted fill and loose clean rip-rap (if previously installed) in fields not greater than previously existing dimensions as specified in Measure 2.40 of this Agreement.
- Water-Control Device Replacement – Replacement of previously existing flap gates, or water control devices to ensure continued functionality of a stream or channel. No heavy equipment shall be employed to accomplish these repair types.

## PROJECT IMPACTS

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

- California tiger salamander (*Ambystoma californiense*)
- Western pond turtle (*Emys marmorata*)
- California red-legged frog (*Rana draytonii*)
- Alameda whipsnake (*Masticophis lateralis euryxanthus*)
- White tailed kite (*Elanus Leucurus*)
- Western burrowing owl (*Athene cunicularia*)
- California horned-lark (*Eremophila alpestris actia*)
- Tri-colored blackbird (*Agelaius tricolor*)
- San Joaquin kit fox (*Vulpes macrotis mutica*)
- American badger (*Taxidea taxus*)
- San Francisco dusky-footed woodrat (*Neotoma fucipes annectens*)
- Diablo helianthella (*Helianthella castanea*)
- Congdon's tarplant (*Centromadia parryi* ssp. *Congdonii*)

- San Joaquin spearscale (*Atriplex joaquinana*)
- California linderiella (*Linderiella occidentalis*)
- Nesting birds
- Bats
- Fossorial mammals
- Native fish and amphibians
- Stream habitat
- Natural swales and instream wetland habitat

The adverse effects the project could have on the fish or wildlife resources identified above without implementation of the Measures to Protect Fish and Wildlife Resources specified below, include:

- increased turbidity;
- short-term release of contaminants incidental to project activities;
- loss or degradation of in-stream habitats;
- take of terrestrial or aquatic species;
- disturbance to nesting birds and other wildlife from project activity.

## **MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

### **1. Administrative Measures**

Permittee shall meet each administrative requirement described below.

- 1.1 Project Description Adherence. The Permittee shall complete all work as presented in the Project Description section of this Agreement. Any alterations or plan changes to the Project Description shall be submitted by the Permittee to CDFW for written acceptance prior to the commencement of work. Any alterations or plan changes conducted without prior acceptance from CDFW may be grounds for suspension or revocation of this Agreement.
- 1.2 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.

- 1.3 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.
- 1.4 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.
- 1.5 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.6 Inspections. CDFW personnel or its agents may inspect the work performed at the project site at any time. As a result of field inspection, CDFW may require additional conditions be applied to protect sensitive biological resources. Such conditions may be amended into this Agreement with the consent of both parties.
- 1.7 Access to Property Not Owned by Permittee. This Agreement does not grant the Permittee authority to enter, use, or otherwise encroach upon the property rights of individuals, or organizations not party to this Agreement. The Permittee shall obtain written authorization from outside parties, in accordance with applicable laws, if access to property not owned by the Permittee is necessary.
- 1.8 Water Rights and Water Diversions. This Agreement does not grant water rights to Permittee or authorize diversion of water from natural water bodies.
- 1.9 Unauthorized Take. The Permittee shall comply with all applicable state and federal laws, including the California and Federal Endangered Species Act. This Agreement does not authorize the take of any state or federally endangered listed species. Liability for any take or incidental take of such species remains the responsibility of the Permittee for the duration of the project. Any unauthorized take of listed species may result in prosecution and nullification of the Agreement.
- 1.10 Authorized Maintenance Activities. Only those activities specifically described in the Project Description shall be conducted under this Agreement.

1.11 Exceptions to Authorized Maintenance Activities. Permittee shall submit separate written notification pursuant to section 1602 of the California Fish and Game Code in all cases where any of the following conditions apply:

- The proposed work does not meet the established criteria for routine maintenance activities in the Project Description of this Agreement.
- The nature of the work is substantially modified from the work described in the Project Description of this Agreement.
- CDFW advises Permittee that conditions affecting fish and wildlife resources have substantially changed at a specific work site or that such resources would be adversely affected by the project.
- The proposed work would adversely impact a species of special concern, rare, threatened, endangered, or candidate species or its habitat.

1.12 Notification of Proposed Activities. The Permittee shall provide written notification for proposed routine maintenance activities for CDFW approval by **April 1** of each year for the duration of the term of this Agreement as specified in Measure 4.6. The annual notifications shall be submitted in tabular format and shall describe the activity, the location, stream or creek system, length and width of the proposed work area, general topography, hydrologic features, and vegetative cover within fifty (50) feet of the work area. Special-status species habitat assessments and surveys (if applicable) shall also be submitted with each annual report. If CDFW grants approval of proposed activities work may proceed as proposed.

1.13 Unforeseen Additional Activities. Routine maintenance activities arising from unforeseen circumstances may be authorized upon request with written approval from CDFW. Permittee shall provide written notification of these activities for CDFW approval at least two (2) business days prior to their initiation. All unforeseen maintenance activities shall be included in the annual report of completed activities.

1.14 Annual Report of Completed Activities. Permittee shall summarize all completed work in an annual report submitted to CDFW by **January 1** of the following year as specified in Measure 4.7. All fees for the previous year shall be paid in full upon submittal of the annual report. Failure to submit completed work reports or payment in full by **January 31** may result in suspension or revocation of this Agreement.

1.15 Day to Day Extension. If the Permittee needs more time to complete the authorized activity, the work period may be extended at the discretion of CDFW on

a day-to-day basis by Jennifer Rippert, Environmental Scientist, at (707) 428-2069.

1.16 Training. Permittee shall conduct a pre-construction training program for all employees, contractors, or personnel working within the project site prior to performing any work. The program shall consist of a presentation from the Qualified Biologist that includes a discussion of the biology of the habitats and special status species identified in this Agreement and those with potential to be present at the project site. The Qualified Biologist shall also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations, and project-specific protective measures included in this Agreement. Interpretation shall be provided for non-English speaking employees, contractors, or personnel otherwise working on the project site prior to their performing any work at the project site. Upon completion of the education program, employees, contractors, or personnel otherwise working on the project sites shall sign a form stating they attended the program and understand all protection measures. A handout that summarizes the education program including images of special status species shall also be distributed to all personnel working on the project. These forms shall be filed at the worksite offices and be available to CDFW upon request.

1.17 Defined Stream Reaches Map. Prior to conducting routine activities, Permittee shall submit a map of each major stream and its tributaries that uniquely identifies and defines each stream in which activities are proposed to occur. A reach contains a specified feature that is either fairly uniform throughout, such as hydraulic/geomorphic characteristics or flood damages, or that requires special attention in the study, such as a bridge. The head and foot of reaches for flood control maintenance purposes should be selected to be at or near one of the following types of locations on a stream:

- All hydraulic control feature, such as a bridge, weir, culvert, low-flow stream crossing, or natural features such as bedrock or large boulder control.
- Junction of a major tributary.
- Section where shape or hydraulic characteristics of the channel change greatly.
- Existing site of a floodwater-retarding or other structure.
- Change in geomorphic channel type.
- Boundary of an urban area



- Change in aquatic or riparian habitat.

## **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 Authorized Seasonal Work Period. To minimize adverse impacts to fish and wildlife and their habitats work within natural channels and in areas with special status species suitable habitat, as defined in this Agreement shall occur from June 15 to October 15. Work within concrete lined channels shall be performed from May 15 to October 15. Work conducted in Alamo Creek and natural bottom channels shall only be conducted from August 15 to October 15.
- 2.2 Daily Work Window. Permittee shall terminate all activities covered under this Agreement 30 minutes before sunset and shall not resume until 30 minutes after sunrise. Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for the geographic area: [https://aa.usno.navy.mil/data/docs/RS\\_OneDay.php](https://aa.usno.navy.mil/data/docs/RS_OneDay.php).
- 2.3 Work Period in Dry Weather Only. Activities within a stream and associated riparian corridor shall be restricted to periods of dry weather. Precipitation forecasts and potential increases of stream flow shall be considered when planning construction activities. Construction activities shall cease, all equipment and materials shall be removed from the channel and all associated erosion control measures shall be in place prior to the onset of precipitation. No work shall occur during a precipitation event. Construction activities halted due to precipitation may resume when precipitation ceases, the National Weather Service 72-hour weather forecast indicates a 30 percent or less chance of precipitation, and after a dry-out period of 48 hours for rain events (i.e. 0.25-inches within a 24-hour period). The National Weather Service forecast can be found at: <http://www.weather.gov>.
- 2.4 Alamo Creek. Work within Alamo Creek is restricted to the time period of August 15 to October 15 and shall be limited to the removal of debris and sediment by hand tools only to restore functionality to culverts, flap gates, or water control devices for the purpose of minimizing flood risk. This includes removal of up to fourteen (14) cubic yards of sediment/debris in Alamo Creek each year. Work is limited to thirty (30) foot reaches with a maximum of one hundred (100) linear feet permitted to occur in Alamo Creek each year. Vegetation removal may only be conducted by hand. All work conducted within Alamo Creek is subject to the pre-construction survey measures for Western Pond Turtle and California red legged frog, in addition to the suitable habitat assessment measures as outlined in this Agreement. Herbicide use is not permitted in Alamo Creek. The use of heavy

equipment is not permitted for work in or along Alamo Creek without CDFW approval. The in-kind replacement of rip-rap or hardscape in previously existing fields is permitted. Minor structural repair of culverts, flap-gates, water control devices, minor slope repairs using hand tools may be conducted. In-kind replacement of culverts and other structures along Alamo Creek are subject to submission of plans to CDFW for approval. All other activities not specifically outlined in this measure shall not be permitted at Alamo Creek and shall require a separate LSAA submission.

#### In-Stream Wildlife Habitat

- 2.5 Large Woody Material (LWM). Permittee shall only modify LWM from streams when the accumulation of LWM poses a threat to: (1) road stability, bridges, culverts, or other in-stream structures; (2) structures such as homes; (3) project sites with a significant increase in flooding risk that would impact previously described structures. Permittee shall only cut or modify the minimum amount necessary to remove the hazard.
- 2.6 Review of In-Stream Habitat Removal. All proposed activities to modify or remove potential in-stream wildlife habitat, including LWM and vegetation, shall be reviewed by a CDFW-approved Qualified Biologist or CDFW-approved Resource Planner in consultation with an engineer or geomorphologist. The CDFW-approved Qualified Biologist or Resource Planner shall be familiar with the life histories and habitat needs of potentially occurring sensitive species and shall be able to identify these species at all life stages. If the Qualified Biologist, Resource Planner, engineer or geomorphologist determines LWM should be modified or removed, Permittee shall consult with CDFW and obtain written approval at least three (3) days prior to commencement of covered activities.

#### Biological Monitoring

- 2.7 Qualified Biologist(s) and Biological Monitor(s). A Qualified Biologist is defined under this Agreement as 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. Under this Agreement, a Biological Monitor is an individual experienced with construction level biological monitoring and who is able to recognize species in the project area and who is familiar with the habits and behavior of those species. Biological Monitors shall have academic and professional experience in biological sciences and related resource management activities as it pertains to this project. At least **14 days** prior to initiating fish and wildlife surveys within the project site, Permittee shall submit the names and resumes of all Biologists and Biological Monitors

involved in conducting survey and/or monitoring work to CDFW for review and written approval.

- 2.8 Daily Clearance Surveys. Each day, prior to initiation of project activities, a Biological Monitor shall inspect the project work area, staging/stockpiling area and all equipment and vehicles. If the Biological Monitor determines that sensitive species are not present within the work area, work may commence.
- 2.9 Environmentally Sensitive Areas (ESAs). ESAs shall be designated as specified in this Agreement by a Qualified Biologist to protect suitable habitat, sensitive habitat, species-of-special concern and illustrate project boundaries through the use of silt fencing, flagging or discussion of sensitive areas during the pre-construction training. No on-site personnel or equipment shall enter the ESA. The ESA fencing, flagging, or boundaries shall be monitored and maintained throughout the course of the project by the designated Biological Monitor, or by the Qualified Biologist when onsite.
- 2.10 General Cease Operations Authority. The Biological Monitor or Qualified Biologist shall have independent authority to stop all project activities if any special-status species enters the project area, if project activities pose imminent threat to fish and wildlife resources, or if project activities are out of compliance with the measures outlined in this Agreement. If a special-status species is observed within the project site then all work shall halt and not continue until the wildlife leaves the area on its own accord.

If the Qualified Biologist or Biological Monitor witnesses a potential violation of this Agreement s/he shall contact CDFW immediately. The Permittee shall not enter into non-disclosure agreements with biological staff or otherwise implement penalties or disincentives restricting direct communication with CDFW. Failure to consult immediately with CDFW on potential violations shall constitute grounds for CDFW to revoke the Biologist's monitoring authority and require the Permittee to stop work until another Biologist has been approved.

#### *Special Status and Sensitive Species*

- 2.11 Special-Status Species Habitat Assessments. Each year prior to the initiation of routine maintenance activities for the duration of the term of the Agreement a qualified biologist shall assess the physical site features using a CDFW-approved habitat assessment checklist to determine whether the site and/or surrounding areas are likely to support special-status species, this report shall be submitted in the annual project notification. The checklist, at minimum, will develop habitat assessment criteria for Alameda whipsnake, California tiger salamander, California red-legged frog, western pond turtle, western burrowing owl, San Joaquin kit fox,

American badger and special-status plant species known to occur in the project vicinity. Permittee shall also consult the most recent update of the California Natural Diversity Database (CNDDDB) occurrences in the project area and determine whether the work site is within a reasonable dispersal distance of a known species occurrence. If suitable habitat is found and/or CNDDDB instances are discovered, Permittee shall adhere to the measures of this Agreement and to special-status species assessment measures. If the area of activity is already subject to preconstruction survey the annual habitat assessment of the area shall not be required, provided the pre-construction survey is conducted annually by a Qualified Biologist in accordance with this Agreement, and the pre-construction surveys focus on all special-status species with the potential to inhabit the area.

- 2.12 Special-Status Plant Surveys and Avoidance. For the duration of the term of this Agreement a Qualified Botanist shall conduct annual surveys prior to the initiation of ground disturbance activities for special-status and rare plants that have the potential to occur at the project sites. The surveys shall occur during the appropriate blooming periods. Special-status, rare and uncommon vegetation shall be avoided to the maximum extent feasible during construction activity through designation of ESA areas. If impact is unavoidable no work shall occur until CDFW has been consulted and provided written approval. If special status, rare, or uncommon vegetation is discovered throughout the course of the project CDFW shall be notified within five (5) days of discovery.
- 2.13 Alameda Whipsnake Assessment and Avoidance. A Qualified Biologist or Biological Monitor shall be present for all routine maintenance activities within one-hundred (100) feet of potential habitat for Alameda whipsnake. If a snake species of any kind is observed during any point of the project all work shall immediately halt and all equipment shall be powered off and work shall not continue until the snake has left the project area of its own accord. If the snake does not leave the project area on its own accord no work shall continue until a Qualified Biologist and CDFW have been consulted.
- 2.14 California Tiger Salamander (CTS) Assessment and Avoidance. If CTS have been documented to occur within or adjacent to a work site, then Permittee shall submit a separate Notification for those activities. If potential habitat for CTS exists at a given work site and/or CNDDDB records occur within a reasonable dispersal distance, a Qualified Biologist shall conduct a reconnaissance-level survey for CTS within 48 hours prior to commencement of routine maintenance activities. "Potential habitat" is defined as breeding habitat, such as ponds and vernal pools, and/or upland habitat, such as grasslands with small mammal burrows, within the current or historic CTS range. "Reasonable dispersal distance" for this species is defined as 1.24 miles (2 km). Surveys from previous years may

be used as a guide but shall not be relied upon to determine whether habitat is present.

If CTS or potential habitat are discovered on site, work shall be placed on hold, and Permittee shall submit a separate notification package to CDFW and obtain a separate Streambed Alteration Agreement before work at the site may begin.

- 2.15 California Red-Legged Frog (CRLF) Assessment and Avoidance. If potential habitat for CRLF exists at a given work site and/or CNDDDB records occur within a reasonable dispersal distance, a Qualified Biologist shall conduct a reconnaissance-level survey for CRLF within 48 hours prior to commencement of routine maintenance activities. "Potential habitat" is defined as breeding habitat, such as ponds, marshes, pools and backwaters of creeks or streams, springs, stock ponds, and lagoons, and/or upland/dispersal habitat, such as downed woody debris, leaf litter, small mammal burrows, and riparian vegetation, within the current or historic CRLF range. "Reasonable dispersal distance" for this species is defined as 1 mile (1.6 km). Surveys from previous years may be used as a guide but shall not be relied upon to determine whether habitat is present.

If CRLF or potential habitat are discovered on site, work shall be placed on hold, and Permittee shall submit a separate notification package to CDFW and obtain a separate Streambed Alteration Agreement before work at the site may begin.

- 2.16 Western Pond Turtle (WPT) Assessment and Avoidance. If potential habitat for WPT exists at a given work site and/or CNDDDB records occur within the same watershed as a project location in terrestrial or aquatic habitat where excavation, bank stabilization, dredging, or movement of soil of any kind is scheduled to occur a Qualified Biologist shall conduct a reconnaissance-level survey for WPT within 48 hours prior to commencement of routine maintenance activities. "Potential habitat" is defined as aquatic habitat, such as ponds, lakes, reservoirs, wetlands, and deep pools in streams or rivers, and terrestrial habitat, such as basking sites (e.g. rocks or LWD, including emergent in-stream features) and loose soils or duff within 1,500 feet of a waterway, within the current or historic range of WPT. If WPT or potential habitat (including breeding habitat) are discovered on site, the following conditions shall apply:

- 2.16.1 A Qualified Biologist or Biological Monitor shall be present each day to conduct pre-construction surveys prior to initiation of project activity for all ground-disturbing activities.
- 2.16.2 If a WPT enters the project site all work shall cease immediately, and the individual(s) shall be allowed to leave the area on its own accord. If the western pond turtle does not leave on its own accord, the Qualified

Biologist may move the western pond turtle to a safe area downstream of the project. All relocation events must be reported to CDFW within twenty-four (24) hours and be included in the annual project report.

- 2.16.3 No diking or chemical application shall occur in upland or riparian areas where potential nesting habitat or recorded CNDDDB occurrences for WPT populations are known to exist, or may occur within a reasonable dispersal distance.
- 2.17 Western Burrowing Owl Assessment and Avoidance. If potential habitat for western burrowing owl exists at a given work site and/or CNDDDB records occur within a reasonable dispersal distance, a Qualified Biologist shall conduct preconstruction surveys in accordance with the March 7, 2012 CDFW Staff Report on Burrowing Owl Mitigation. If preconstruction surveys find active burrows, avoidance and minimization guidelines shall be developed prior to the start of construction in accordance with the March 7, 2012 CDFW memo, and through consultation with CDFW. If nests become active during construction, or western burrowing owl activity is discovered within one hundred (100) feet of the project, work must halt immediately and CDFW must be consulted.
- 2.18 San Joaquin Kit Fox (SJKF) Assessment and Avoidance. If potential habitat for SJKF exists at a given work site and/or CNDDDB records occur within a reasonable dispersal distance, a Qualified Biologist shall conduct a reconnaissance-level survey for SJKF within 48 hours prior to commencement of routine maintenance activities. "Potential habitat" is defined as grasslands and plains within the current or historic range of SJKF. "Reasonable dispersal distance" for this species is defined as 5 miles (8 km). Surveys from previous years may be used as a guide but shall not be relied upon to determine whether habitat is present. If SJKF or potential habitat are discovered on site, work shall be placed on hold, and Permittee shall submit a separate notification package to CDFW and obtain a separate Streambed Alteration Agreement before work at the site may begin.
- 2.19 American Badger Assessment and Avoidance. If potential habitat for American badger exists at a given work site and/or CNDDDB records occur within a reasonable dispersal distance, a Qualified Biologist shall conduct a reconnaissance-level survey within 48 hours prior to commencement of routine activities. If active burrows are found, the Biological Monitor, in consultation with the Qualified Biologist, shall determine an appropriate buffer distance based on the type of work that is being conducted.
- 2.20 San Francisco Dusky-Footed Woodrat Surveys and Avoidance. For projects occurring within potential habitat for San Francisco dusky-footed woodrat, a Qualified Biologist or Biological Monitor shall survey the work site for nests within

two weeks of proposed activities. If nests are found, the Biological Monitor, in consultation with the Qualified Biologist, shall determine an appropriate buffer distance based on the type of work being conducted. If any San Francisco dusky-footed woodrats are detected within the vicinity of the work site during construction, all work shall cease in the vicinity of the individuals until they move out of the area of active construction. Nest disturbance or removal is not authorized under this Agreement.

**2.21 Nesting Birds.** The Permittee is responsible for ensuring that the project does not result in any violation of Fish and Game Code as it pertains to the protection of birds and their nests. If project activities will occur during nesting bird season (February 15 to September 15 for raptors; March 15 to August 30 for passerines), the Qualified Biologist shall conduct a focused survey for active nests within 48 hours prior to the initiation of project-related activities. Surveys shall be conducted in all suitable habitat located at project work sites and in staging and storage areas. The minimum survey radii surrounding the work area shall be the following: 1) 250 feet for passerines; 2) 500 feet for small raptors such as accipiters; 3) 1,000 feet for larger raptors such as buteos. Survey methodology shall be submitted in to CDFW for approval at least 5 days prior to the initiation of surveys. Survey results shall be submitted to CDFW prior to the commencement of project activities. Once construction work begins, the survey effort shall continue to ensure any nest starts established after the work commences are identified.

**2.21.1 Active Nest Buffers.** Active nest sites shall be designated as "Ecologically Sensitive Areas" where no project-related activities or personnel may occur that are protected (while occupied) during project activities with the establishment of a fence barrier or flagging surrounding the nest site. The Qualified Biologist shall determine the necessary buffer, in consultation with CDFW, to protect nesting birds based on existing site conditions, such as construction activity and line of sight, and shall increase buffers if needed to provide sufficient protection of nesting birds and their natural behaviors. Buffers shall be approved in writing by CDFW prior to the continuation of project activities.

**2.21.2 Monitoring of Active Nests.** The Qualified Biologist shall observe any identified active nests for a minimum of two hours prior to the start of any construction-related activities to establish a behavioral baseline of the adults and any nestlings. Once work commences, all active nests should be continuously monitored by the Qualified Biologist to detect any signs of disturbance and behavioral changes as a result of the project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are

observed, the biologist shall cease work causing that change and shall contact the CDFW representative for guidance and the no-work buffer shall immediately be increased. If a lapse in project-related work of 7 days or longer occurs, another focused survey shall be conducted before project activities are reinitiated. If active nests are found, Permittee shall consult with CDFW prior to resumption of project activities.

- 2.22 Bat Habitat Assessment and Avoidance. A Qualified Biologist or Biological Monitor shall conduct surveys for suitable bat roosting habitat at locations where culverts, structures and/or trees will be impacted or disturbed by project related activity. Surveys shall be conducted no more than 48 hours prior to the initiation of activity. Survey methodology shall be submitted in to CDFW for approval at least 5 days prior to the initiation of surveys. If bats or suitable bat roosting habitat is detected, no work shall continue until CDFW has been consulted. CDFW reserves the right to provide additional measures to this Agreement in the event that bats or suitable bat roosting habitat are discovered.
- 2.23 Fish Passage. The project shall be in compliance with Fish and Game Code section 5901 and shall not install or maintain any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and down stream.
- 2.24 Injury or Mortality of Special-Status Species. If Permittee or its employees, contractors, or agents injures or kills a special-status species, or finds any such animal injured or dead, all activities in the work area shall immediately cease, and CDFW and U.S. Fish and Wildlife Service shall be notified by telephone within 30 minutes of the discovery. A written report detailing the time, location, and general circumstances under which the dead or injured individual animal was found shall be submitted to CDFW and the U.S. Fish and Wildlife Service no later than five (5) business days following the incident. Any injured special-status species shall be immediately transported to an approved wildlife rehabilitation clinic (<http://dfg.ca.gov/wildlife/WIL/rehab/facilities.html>).

#### *General Wildlife Protection*

- 2.25 Harassment of Animals. No project personnel or motorized equipment shall harass, herd or drive any wildlife. Harass is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, *but is not limited to*, breeding, feeding, or sheltering. Project personnel and equipment shall not cause displacement of wildlife into roadways or open areas without cover from aerial predators.



- 2.26 Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, and/or barriers from the project site and vicinity of the stream upon completion of project activities.
- 2.27 Open Pipes Restriction. All pipes, culverts, or similar structures that are stored at the site for one or more overnight periods shall be thoroughly inspected for wildlife by the Qualified Biologist or Biological Monitor prior to use at the project site. All hollow pipes or posts installed as part of the project and exposed to the environment shall be capped, screened, or filled with material by Permittee prior to the end of the work day in which the installation occurs.
- 2.28 Fence and Sign Post Restriction. Any fencing, sign posts, or vertical poles installed temporarily or permanently throughout the course of the project shall have the top capped and/or the top three post holes covered or filled with screws or bolts to prevent the entrapment of wildlife.
- 2.29 Open Trenches. Any open trenches, pits, or holes with a depth of larger than one (1) foot shall be covered at the conclusion of work each day with a hard, non-heat conductive material (e.g., plywood). No netting, canvas, or material capable of trapping or ensnaring wildlife shall be used to cover open trenches. If use of a hard cover is not feasible, multiple wildlife escape ramps shall be installed, constructed of wood, or installed as an earthen slope in each open trench, hole, or pit that is capable of allowing large (e.g., deer) and small (e.g., frogs and snakes) wildlife to escape on their own accord. Prior to the initiation of construction each day and prior to the covering of the trench at the conclusion of work each day, the Qualified Biologist or Biological Monitor shall inspect the open trench, pit, or hole for wildlife. If wildlife is discovered, it shall be allowed to leave on its own accord. If wildlife does not leave of its own accord consultation with CDFW is required before work can be initiated.
- 2.30 Temporary and Permanent Lighting. All temporary and permanent lighting installed as part of the project shall be fully hooded (i.e. no lateral lighting). Any illumination shall be directed to the ground and away from the stream.
- 2.31 Equipment and Vehicle Inspections. Any vehicles or heavy equipment parked near special status species habitat, as determined in Measures 2.9 through 2.15, shall be thoroughly inspected for wildlife by the Biological Monitor prior to operation.
- 2.32 Allow Wildlife to Leave Unharm. Permittee shall allow any wildlife encountered during the course of project activities to leave the project area unharmed.

#### *Sediment and Debris Removal*

2.33 Limitations on Sediment Removal. Annual sediment removal shall conform to the following limits:

- 2.33.1 Natural Channels – not to exceed thirty (30) cubic yards per year, limited to fifty (50) linear feet per channel reach, and a cumulative annual total of two-hundred (200) feet per stream (including tributaries). This is not applicable to Alamo Creek.
- 2.33.2 Engineered Earthen Channels – not to exceed forty-five (45) cubic yards per year, limited to one-hundred (100) linear feet per channel reach, one-thousand (1,000) linear feet per stream (including tributaries). This is not applicable to Alamo Creek.
- 2.33.3 Annual Concrete Lined Channels – not to exceed one-hundred (100) cubic yards per year, limited to five-hundred linear feet per channel reach, and a cumulative annual total of two-thousand-five-hundred (2,500) linear feet per year. This is not applicable to Alamo Creek.

2.34 Removal of Trash and Debris. Trash, rubbish, natural debris, man-made material or other non-living materials shall be removed using on-foot personnel or heavy equipment operated from top of bank to restore flow to natural or cement-lined channels.

*Vegetation Management*

- 2.35 Vegetation Removal. The disturbance or removal of vegetation shall not exceed the minimum necessary to prevent flooding. Precautions shall be taken to avoid damage to other vegetation outside the active channel by people or equipment. Woody or herbaceous plants, fallen trees, or trunks lodged in the bed or bank causing flow restrictions shall be cut off at the bed or bank invert with small hand tools (i.e. chainsaw, loppers) and removed with winch or cable equipment operated from the top of the bank. Root structures are not to be disturbed. Large woody debris that does not obstruct flow shall be left in place.
- 2.36 Grazing. Grazing may be employed at Flood Control Channels only designated as the Main Channel – Alcosta Boulevard southwest to Iron Horse Trail and North Creek – I-680 East to Mangos Drive. Grazing may only be employed if special-status plant species are not present at the work site, the animals are monitored during grazing, and the animals are removed once the underbrush is cut down. Grazing of trees and shrubs is not permitted.
- 2.37 Rotary Blades. Rotary blade arm attachments operated from beyond the top of bank may be used at Flood Control Channels only designated as the Main Channel – Alcosta Boulevard southwest to Iron Horse Trail and North Creek – I-

680 to Mangos Drive. Rotary blade attachments may only be used if pre-construction surveys and/or suitable habitat assessments conducted by a Qualified Biologist have determined no nesting birds or special status species are present. A Qualified Biologist/Biological Monitor shall be present during rotary blade operations. The rotary blade shall not be used to remove trees or small shrubs and shall not be used remove vegetation within ten (10) feet of the banks.

- 2.38 Vegetation Disposal. Permittee shall not conduct disking, grubbing, or stock piling of vegetative debris within fifty (50) feet of streams, channels, creeks, or riparian areas. Vegetation removed at the project site shall be placed directly into a disposal vehicle and removed from the site. Vegetation shall not be piled on the ground unless it is later transferred, piece by piece, under the direct supervision of the Qualified Biologist.

#### *Maintenance of Existing Facilities*

- 2.39 Limitations on Bank and Slope Repair. This Agreement does not authorize bank or channel fill, such as placement of imported soils, rip-rap, etc., with the exception of: (1) fill required for in-kind repair or replacement of existing bank stabilization; (2) minor bank repair limited to channel reaches of less than one-hundred (100) linear feet in natural channels, engineered channels, and natural sediment bottom channels; and (3) minor bank repair limited to channel reaches of less than two-hundred (200) linear feet in any concrete lined flood control channel without a natural sediment bottom. New instances of rip-rap or hardscape are not permitted to occur in Alamo Creek under this Agreement.

Permittee shall only install new rip-rap or hardscape where bio-engineering is infeasible. New rip-rap or hardscape shall not be installed in suitable special-status species habitat, as defined in this Agreement. Rip-rap or hardscape shall not be grouted or mortared and interstitial spaces shall be backfilled with clean native soils or imported fill planted with trees, shrubs, or other vegetation to minimize habitat loss.

- 2.40 Annual Culvert Maintenance Restrictions. The installation of new culverts or replacement culverts of increased length is not permitted under this Agreement. Permittee may repair small structures, replace fill at culverts, replace damaged culverts, or conduct other small, in-kind structural repairs. All culverts will retain a natural flow-line as close to pre-project conditions as feasible and natural sediment bottom will be achieved through burying or installation of a recessed bottom. Culvert repair and in-kind replacement shall be limited to dry or low flow periods. If water is present, an appropriate flow diversion system shall be installed prior to initiation of activities. Culvert repair and in-kind replacement in known special-status species habitat, fish bearing streams, or of culverts greater than three (3)

feet diameter will not be permitted under this Agreement. Any in-kind replacement structure or repair that may impede fish passage is not permitted under this Agreement.

#### *Water Diversion*

- 2.41 Flow Diversion Systems. Flow diversion systems shall be installed prior to the initiation of project activity if work will occur in a wetted channel and will result in earthmoving, dislodging of sediment, or disturbance of channel substrate. Flow diversion plans shall be submitted to CDFW for approval prior to use. If pumps are to be used, the intake shall be screened as specified in CDFW's Fish Screening Criteria:

[http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin\\_ScreenCriteria.asp](http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp).

Flow diversions shall be removed from the stream no more than ten (10) days after installation and normal flow shall be immediately restored. Extensions may be granted upon request from CDFW.

- 2.42 Dewatering. Sediment-laden water from dewatering shall be held in a settling container or discharged in an upland location where it will not drain directly into surface water bodies.
- 2.43 Coffer Dams. Prior to the start of Project activities within a wetted stream channel, the Permittee shall divert flowing channel water around or through the Project site and Project activities shall be isolated from the stream flows. To isolate the Project site, water-tight coffer dams shall be constructed upstream and downstream and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Coffer dams and the stream diversion systems shall remain in place and functional throughout the construction period. Coffer dams or channel diversions that fail for any reason shall be repaired immediately.
- 2.44 Coffer Dam Material. Permittee shall construct coffer dams with clean river run gravel or sandbags, and may be sealed with sheet plastic. Coffer dams shall be constructed of a non-erodible material that does not contain soil or fine sediment. Upon completion of a project, sandbags and any sheet plastic shall be removed from the stream. Clean river run gravel may be left in the stream channel, provided it does not impede stream flow or fish passage, and conforms to natural channel morphology without significant disturbance to natural substrate.
- 2.45 Pump Screens. The suction end of intake pipes shall be fitted with fish screens meeting CDFW criteria to prevent entrainment or impingement of small fish. CDFW fish screen criteria can be found in the California Salmonid Stream Restoration Manual's Appendix S available online at:

<http://www.dfg.ca.gov/fish/Resources/HabitatManual.asp>. Any turbid water pumped from the work site itself to maintain it in a dewatered state shall be disposed of in an upland location where it will not drain directly into any stream channel.

- 2.46 Daily Cofferdam Checks for Stranded Aquatic Life. The Biological Monitor shall check daily for stranded aquatic life as the water level in the dewatering area drops. If a salmonid is found within the dewatering area the Biological Monitor shall immediately contact the Qualified Biologist for relocation of the salmonid. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest body of water adjacent to the work site. This measure does not authorize the take or disturbance of any State or federally listed species.
- 2.47 Cofferdam Bypass Flows. When bypassing stream flow around the Project site, stream flows downstream of the dewatered area shall be maintained at the same rate and volume as unimpeded flows upstream at all times.
- 2.48 Cofferdams and Work Area Seepage. The Project site shall be periodically pumped dry of seepage. Permittee shall place pumps in flat areas, away from the stream channel. Pumps shall be secured by tying off to a tree or staked in place to prevent movement by vibration. Pump intakes shall be covered with 0.125-inch mesh to prevent entrainment of fish or amphibians that failed to be removed. Pump intakes shall be periodically checked for impingement of fish or amphibians that shall be relocated according to the approved measures outlined for each species below.
- 2.49 Disinfect Fish Salvage and Dewatering Equipment Prior to Entry Into Watercourses. To prevent spread of invasive aquatics and diseases, equipment to be used in watercourses including, but not limited to, boots, waders, hand tools and nets must be decontaminated with a minimum 5 percent 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 that equipment must either be dried out for two weeks, frozen for 48 hours, or placed in 55 degrees Celsius water for 5 minutes.
- 2.50 Relocation of Fish and Amphibians. Prior to construction, the Qualified Biologist shall capture and relocate native fish and native amphibian species. Measures shall be taken to avoid harm and mortality resulting from fish and amphibian relocation activities, as follows:
- 2.50.4 Relocated Fish Records. Relocated fish and amphibians shall be moved to the nearest appropriate site outside of the Project site. A record shall be maintained of all relocated fish. 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 provided to CDFW within two weeks of the completion of the seasonal work period or Project activities, whichever comes first.

- 2.50.5 Release Locations Criteria. Prior to capturing fish and amphibians, the most appropriate release location(s) shall be determined, using the following criteria: water temperature shall be similar as the capture location; there shall be ample habitat for the captured fish; relocation areas must be in proximity to the capture site, contain suitable habitat, not be affected by project activities, and be free of exotic predatory species (i.e. bullfrogs, crayfish) to the best of the qualified biologist's knowledge. In the rare case that amphibian egg masses are found after July 1, the Qualified Biologist shall make every attempt to wait until the egg masses hatch to transport them. There shall be a low likelihood for the fish to re-enter the work site or become impinged on exclusion net or screen.
- 2.50.6 Wet Hands and Nets. Handling of fish and amphibians within the Project site shall be minimized. However, when handling is necessary, the Qualified Biologist shall always wet hands or nets prior to touching fish and amphibians.
- 2.50.7 Proper Holding Technique. Holding containers shall be sized such that adult fish will fit without touching the sides. The Qualified Biologist shall temporarily hold fish and amphibians in cool, shaded, aerated water in a flow-through live car. The Qualified Biologist shall protect fish and amphibians from jostling and noise and shall not remove fish from this container until time of release.
- 2.50.8 Water Temperatures and Water Changes. The Qualified 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 a stable water temperature. If water temperature reaches or exceeds 18 °C, fish shall be released and fish relocation operations ceased unless otherwise authorized in writing by CDFW.
- 2.50.9 No Overcrowding. Overcrowding in containers shall be avoided by having at least two containers and segregating young-of-year (YOY) fish and amphibians from larger age-classes to avoid predation. Larger amphibians shall be placed in the container with larger fish. If fish are

abundant, the capturing of fish and amphibians shall cease periodically and they shall be released at the predetermined locations.

2.51 Timing of Initial Fish Relocation. If feasible, the Qualified Biologist shall perform initial fish and amphibians relocation efforts several days prior to the start of construction. This provides the Qualified Biologist an opportunity to return to the work area and perform additional electrofishing or seining passes immediately prior to construction.

2.52 Relocate Fish and Amphibians during Cool Temperatures. The Qualified Biologist shall conduct relocation activities in the morning when the temperatures are cooler.

2.53 Electrofishing Requirements and Restrictions. The following methods must be used if fish are relocated using electrofishing:

2.53.1 **Electrofisher Settings.** Only direct current may be used and the backpack electrofisher shall be set as follows when capturing fish unless otherwise approved in writing by CDFW:

	Initial Setting	Maximum Setting
<b>Voltage</b>	100 Volts	300 Volts
<b>Duration</b>	500 microseconds	5 milliseconds
<b>Frequency</b>	30 Hertz	70 Hertz

2.53.2 **Minimum Number of Electrofisher Passes.** There shall be a minimum number of three passes with the electrofisher to ensure a maximum capture probability of fish within the proposed area to be dewatered.

2.53.3 **Temperature and Conductivity Restrictions.** No electrofishing or seining shall occur if water conductivity is greater than 350 microSiemens per centimeter or when instream water temperatures exceed 18 degrees Celsius unless otherwise authorized in writing by CDFW.

2.54 Seining Restrictions. Seine mesh shall be adequately sized to ensure fish are not gilled during capture. There shall be a minimum number of three passes with the seine to ensure a maximum capture probability of fish within the proposed area to be dewatered.

2.55 Report Mortalities to CDFW Immediately. If any special status fish species are found dead or injured during fish relocation activities or other construction-related

actions, the Qualified Biologist shall provide written notification within 24 hours to CDFW by writing to R31600Program@wildlife.ca.gov with reference to Notification Number 1600-2017-0527-R3. The purpose of the contact with CDFW is to review the activities resulting in take and to determine if additional protective measures are required.

- 2.56 Restore Natural Flows. Permittee shall restore natural flows to the effected channel immediately upon completion of in-channel Project activities.

*Toxic and Hazardous Materials*

- 2.57 Emergency Spill Response Plan. An emergency response plan shall be prepared and submitted to CDFW prior to the start of project work. The plan shall be limited to three pages in length and may be presented in prose, table, or bulleted list format. The plan shall identify the actions which would be taken in the event of a spill of concrete, petroleum products, sediment, or other material harmful to aquatic or plant life. The plan shall also identify the emergency response materials which shall be kept at the site to allow the rapid containment and clean-up of any spilled material. The emergency response plan shall also be submitted in the final construction report.
- 2.58 Storage and Handling of Hazardous Materials. Any hazardous or toxic materials that could be deleterious to aquatic life shall be contained in watertight containers or removed from the project site. Such materials include, but are not limited to, debris soil, silt, bark, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, paint or other coating material, and oil or other petroleum products. These materials shall be prevented from contaminating the soil and/or entering the stream. Any such materials, placed within or where they may enter stream, by Permittee or any party working under contract, or with permission of the Permittee, shall be removed immediately.
- 2.59 Containment of Concrete Leachate. Containment of concrete leachate shall adhere to the following best management practices:
- 2.59.4 Any and all concrete surfaces that may come in direct contact with channel flows shall be poured thirty (30) days prior to the authorized work period final date. Permittee shall notify CDFW fourteen (14) days prior to the final date of allowed work if work is to exceed that final date.
- 2.59.5 Water that has come in contact with uncured concrete or other cement products shall not be allowed to enter the main stream channel until the pH of the water is between 6.5 and 8.0 pH units. Water shall be diverted around uncured concrete structures, and the areas around poured



concrete shall be dewatered.

- 2.59.6 Unsealed structures shall be allowed to cure (dry) for at least twenty-eight (28) days before flows are reintroduced.
  - 2.59.7 To shorten the curing period, Permittee may use a non-toxic sealant designed for use in aquatic environments. Prior to use, Permittee shall submit the product material safety data sheet, including information about environmental toxicity, to CDFW for review and approval. If a sealant is to be applied, concrete structures shall be allowed to cure for at least seven (7) days prior to application and for an additional (three) 3 days following application of the sealant before flows are reintroduced.
  - 2.59.8 Concrete curing compounds shall not be used within twenty-five (25) feet of the stream.
  - 2.59.9 Wash-down water from concrete delivery trucks, concrete pumping equipment, and other tools and equipment shall not be allowed to enter the stream channel and should be removed from the site for treatment following work. No dry concrete shall be placed on the banks or in a location where it could be carried into the channel by wind or runoff.
- 2.60 Pesticide Restrictions. Integrated pest management solutions that emphasize non-chemical pest management shall be used over chemical pesticides to the extent feasible. Rodenticides shall not be used under this Agreement, and insecticides shall not be used in the stream zone. Suitable habitat assessments and special-status species surveys shall be conducted prior to the initiation of herbicide use. No herbicides may be used in habitats where special-status species are present. Herbicides may be used at the Permittee's discretion with implementation of the following protective measures:
- 2.60.10 Permittee shall apply the least practicable amount of herbicides necessary to effectively control nuisance plants.
  - 2.60.11 Permittee shall use the least concentrated formulation of herbicide possible and practicable to accomplish the task.
  - 2.60.12 All herbicides shall be applied by a certified applicator or trained pesticide applicators under their direct supervision in accordance with regulations set by the California Department of Pesticide Regulation and according to labeled instructions.
  - 2.60.13 Permittee shall use extreme caution to not to apply any herbicide directly to water. If herbicides must be applied next to water, Permittee shall use

preventative BMPs to ensure that the chemical does not accidentally flow into or stream through the air into the water.

- 2.60.14 Herbicides shall only be applied on calm days with winds below five (5) miles per hour.
  - 2.60.15 Permittee shall avoid spraying native vegetation with herbicides. Spraying within one hundred (100) feet of existing mitigation sites shall be done by hand.
  - 2.60.16 Should any fish or animal kills occur following application of herbicides, such kills shall be reported to CDFW Bay Delta Region within 24 hours.
  - 2.60.17 Permittee shall only use pesticides for which a "no effect" determination has been issued by the U.S. EPA's Endangered Species Protection Program (<http://www.epa.gov/espp/>) for any species likely to occur within the project area or downstream. Prior to applying pesticides, Permittee shall verify that selected pesticides are not on an endangered species bulletin issued by the U.S. EPA for Contra Costa County. Bulletins are posted at: <http://www.epa.gov/oppead1/endanger/bulletins.htm>
  - 2.60.18 Regardless of the contents of this Agreement, Permittee is responsible for any environmental damage caused by the application or use of substances that prove harmful to fish and aquatic wildlife.
- 2.61 Spill of Material Deleterious to Fish and Wildlife. Permittee and all contractors shall be subject to the water pollution regulations found in FGC Sections 5650 and 12015. In the event of a hazardous materials spill into the stream (e.g., grout, epoxy, etc.), 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 [R31600Program@wildlife.ca.gov](mailto:R31600Program@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, injured fish and wildlife. If dead fish or wildlife are found in the affected area, Permittee shall collect carcasses and immediately deliver them to CDFW. Permittee shall meet with CDFW within ten 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.

### *Erosion and Sediment Control*

- 2.62 Erosion Control Best Management Practices (BMPs). At no time shall silt laden runoff be allowed to enter the stream or directed to where it may enter the stream. All exposed soils within the work area shall be stabilized immediately following the completion of earthmoving activities to prevent erosion into the stream. Erosion control BMPs, such as coir or other natural fabric, silt fences, straw hay bales, water check bars, and broadcasted straw shall be used. Erosion control BMPs shall be monitored during and after each storm event for effectiveness. Modifications, repairs, and improvements to erosion control BMPs shall be made as needed to protect water quality.
- 2.63 No New Project Phase without Erosion Control. Installation of erosion control devices shall be performed under the direction of a qualified or Certified Erosion Control Specialist. 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 rain event if that construction phase may cause the introduction of sediments into a stream. Erosion control measures shall be inspected frequently to minimize failure and conduct any necessary repairs. All non-structural related and non-biodegradable erosion control measures shall be removed from the project site upon cessation of construction activities.
- 2.64 Stabilize Exposed Areas. Permittee shall stabilize all exposed/disturbed areas within the project site to the greatest extent possible to reduce erosion potential, both during and following construction. 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 silt-laden water has the potential to leave the work site and discharge into a stream. Erosion control measures shall be monitored during and after each storm event. Modifications, repairs and improvements to erosion control measures shall be made whenever they are needed.
- 2.65 Location of Spoil sites. Spoil sites shall not be located where they may be washed back into the stream or within any suitable special-status species habitat throughout the project boundaries.
- 2.66 Cover Spoil Piles. Permittee shall have readily available plastic sheeting or visqueen to cover the exposed spoil piles and exposed areas in order to prevent loose soil from moving into the stream. These covering materials shall be applied

when winds are predicted to reach 7 miles per hour or greater, and/or it is evident rainy conditions threaten to erode loose soils into the stream.

- 2.67 Monofilament. Permittee shall not use erosion control materials containing plastic monofilament netting (erosion control matting) or similar material containing netting within the project area due to documented evidence of amphibians and reptiles becoming entangled or trapped in such material. Acceptable substitutes include coconut coir matting or similar.
- 2.68 Storm Event Inspection. After any storm event, Permittee shall inspect all sites scheduled to begin or continue construction within the next 72 hours. Corrective action for erosion and sedimentation shall be taken as needed.

*Equipment and Vehicles*

- 2.69 Equipment in Stream. No equipment shall be operated in wetted portions of natural or engineered streams or channels including but not limited to ponded, flowing, or wetland areas at any time. Equipment may be operated from above the top of the bank as specified in this Agreement. Access into cement lined channels by equipment may be permitted upon approval from CDFW.
- 2.70 Staging Areas and Equipment. Staging areas shall be located in a dry upland location, fifty (50) feet or more from above the top of bank proper measures shall be installed to avoid runoff into water systems. Staging areas shall be within a paved or gravel-lined site, if feasible. Vegetation disturbance shall be limited to the immediate work footprint and a single access pathway to project action areas. Prior to the entry of any vehicle or equipment into the project area including the staging site it shall be washed and cleaned of all biological material at an off-site facility. Any equipment or vehicles driven and/or operated in proximity of the stream shall be maintained in good working order to prevent the release of contaminants that if introduced to water could be deleterious to aquatic life, wildlife, or riparian habitat. If a vehicle is found to be leaking fluids of any kind it shall be taken to an off-site location immediately. Vehicles shall be moved away from the stream prior to refueling and lubrication.
- 2.71 Decontamination. Any equipment that will contact the stream water during project activities shall be decontaminated prior to arriving on the project site, after the project is finished, and any time project equipment leaves and returns to the site to prevent the spread of aquatic diseases and invasive aquatic species to other waterways. Workers shall also decontaminate waders, boots, and other clothing that will come in direct contact with the water prior to arriving on the project site, after the project is finished, and any time work apparel is used off-site and is to be

used on the project site again. Decontamination of clothing and equipment shall be done through one or more of the following methods:

- 2.71.19 Drying equipment in an upland location following last aquatic use. If average daytime temperatures exceed 80 F, drying times shall be at least 7 days. If average daytime temperatures are below 80 F, drying times shall be at least 30 days.
- 2.71.20 Scalding water wash (at least 140 F) with varying high and low-pressure spray to dislodge pathogens, vegetation, and contaminated sediment.
- 2.71.21 Freezing at a temperature of less than 32 F for more than 72 hours.
- 2.71.22 Soaking in a CDFW-approved disinfectant solution for at least 2 minutes (or longer, depending on the disinfectant used). To avoid harm to non-target species, disinfected clothing and equipment shall be thoroughly rinsed in a water bath before entering the stream.

### **3. Compensatory Measures**

To compensate for adverse impacts to fish and wildlife resources identified above that cannot be avoided or minimized, Permittee shall implement each measure listed below.

- 3.1 Tree Restoration Replacement. All trees removed or impacted as a result of work over four (4) inches DBH shall be replaced at a 3:1 ratio to mitigate for permanent net loss of canopy cover for native tree species as follows:

Replacement trees shall consist of five (5)-gallon saplings for native tree species and ten (10) gallon saplings for oak species and shall be species adapted to the lighting, soil and hydrological conditions at the replanting sites. If replanting within the immediate work area is unfeasible due to slope steepness or other physical constraints, replacement trees may be planted at an alternate location along the stream corridor. All tree replacement plantings are required to be installed by December 31 of the year the impact occurred.

- 3.2 Sudden Oak Death. If trees or plants purchased for re-vegetation are hosts or associated hosts of sudden oak death (*Phytophthora ramorum*; refer to list of hosts at: (<http://www.suddenoakdeath.org/diagnosis-and-management/hosts-and-symptoms>)) and were grown within a county that is regulated under 7 Code of Federal Regulations (CFR) 301.92, the source nursery shall be in compliance with USDA quarantine regulations. Permittee shall view, and if possible, obtain a copy of the nursery's certificate of annual inspection certifying that the plant stock is free of *Phytophthora ramorum*. If the nursery cannot provide compliance with USDA quarantine regulations pertaining to sudden oak death, the nursery shall not be

used as a source for plant material, soils or other materials that could transmit the disease organism. Permittee and all contractors shall follow sanitation protocol specified in the *Sanitation Guidelines for Professional Crews* issued by the California Oak Mortality Task Force (<http://www.suddenoakdeath.org/pdf/Professional%20sanitation%20guide.pdf>) prior to entering, during construction, and prior to leaving the site. If the project site is within 5 miles of a confirmed sudden oak death infestation (refer to <http://www.oakmapper.org/> or contact the Contra Costa Agricultural Commissioner's Office at: (925) 646-5250), a discussion of sudden oak death shall be included in the pre-construction training.

- 3.3 Re-vegetate or Seed Disturbed Soils. All upland exposed/ disturbed soils left barren of vegetation (does not include enhanced ponds) following work activities will be re-vegetated with native plants or seeded with an erosion control seed mix consisting of native species. All upland areas will be restored with the appropriate native forbs, shrubs, wildflowers and grasses. All riparian exposed/disturbed soils left barren of vegetation following work activities will be re-vegetated using native, hydrophilic vegetation species suited for the region. Re-vegetation shall be completed as soon as possible after earthmoving activities cease; however, plantings will be most successful if done during the rainy season. Seeding placed after October 15 shall be covered with broadcast straw, jute netting, coconut fiber blanket, light mulch or a similar erosion control method. Erosion control blankets with monofilament or woven plastic strands shall not be used. All re-vegetation plantings are required to be completed by December 31 of the year the impact occurred.
- 3.4 Re-vegetation Survivorship and Monitoring. To ensure a successful re-vegetation effort, all tree plantings will be monitored and maintained for at least five years. Permittee will conduct re-plantings for unhealthy, dying, or dead trees. The Permittee will monitor and maintain plantings as necessary to achieve a seventy-five (75) percent survival rate for all tree-plantings by the termination of this Agreement, if the survival rate is not achieved the Permittee shall be responsible for additional re-vegetation efforts for additional time until the success criteria is achieved.

#### **4. Reporting Measures**

Permittee shall meet each reporting requirement described below.

- 4.1 Emergency Spill Response Plan. An emergency response plan shall be prepared and submitted to CDFW prior to the start of work. The plan shall be limited to three pages in length and may be presented in prose, table or bulleted list format. The plan shall identify actions which would be taken in the event of spill of

petroleum products, sediment or other material harmful to aquatic or plant life. The plan shall also identify the emergency response materials which will be kept at the site to allow the rapid containment and clean-up of any spilled material.

- 4.2 Biologist Qualifications. Permittee shall submit the qualifications of the biologist chosen to conduct the biological surveys to CDFW for review at least 5 business days prior to conducting the survey. Information included in a request for authorization should include, at a minimum: (1) relevant education; (2) relevant training on species identification and survey techniques; (3) a summary of field experience conducting requested activities (to include project/research information); (4) a summary of permits under which the biologist was authorized to work with the species and at what level (such as construction monitoring versus handling); and (5) any relevant professional references with contact information.
- 4.3 Habitat Assessments and Biological Surveys. Special status species habitat assessment surveys shall be submitted to CDFW for review with the annual pre-notification reports. Permittee shall submit the results of all special-status species reconnaissance-level surveys within five (5) days of the survey. The summary of survey results should describe the date, duration and timing of the surveys, weather conditions, species observed (including potential predators, prey or competitors), behaviors observed (target species), and GPS coordinates for sightings. GPS coordinates for sensitive species should be taken at a distance and adjusted using a rangefinder. Results for multiple species may be combined into a single report. The report shall be no more than three (3) pages in length for each species surveyed.
- 4.4 Bat and Nesting Bird Survey Methodologies. At least two weeks prior to any pre-construction bat or nesting bird surveys, Permittee shall provide survey methodology to CDFW for review and approval. No project activities shall begin and no trees or vegetation shall be removed during the nesting season until nesting bird surveys have been completed using a method approved by CDFW. Results of the survey shall be submitted to CDFW prior to the initiation of project activities or removal of any trees or vegetation.
- 4.5 Notification to the California Natural Diversity Database. If any sensitive species are observed in project surveys, Permittee shall submit California Natural Diversity Database (CNDDDB) forms to the CDFW Biogeographic Data Branch (CNDDDB@wildlife.ca.gov) with all pre-construction survey data within two weeks of the sightings, and provide regional CDFW staff with copies of the CNDDDB forms and survey maps.
- 4.6 Annual Proposed Activities Notification. The Permittee shall provide to the CDFW's Bay Delta Region written notification of proposed routine maintenance

activities by **April 1** of each year. The notification shall briefly describe the proposed activity, including location, length and width of the impact area, work period and techniques and equipment to be used, and proposed compensatory mitigation, if necessary. Each description shall include the specific park unit map showing the work area, a brief description of the types and quality of habitats in the work area, an evaluation of possible resources present and identification of which programmatic conditions will be applied to the project.

- 4.7 Annual Reporting. The Permittee shall provide CDFW written notification of maintenance projects completed within the preceding calendar year. Annual reports shall be submitted in tabular format and shall include the project identification (stream name), the location, and a brief project description for each activity. Permittee shall submit the appropriate fee from the current CDFW Streambed Alteration Agreement Fee Schedule for work completed under this Agreement based upon the number of projects completed in the reporting period. Reports are due **January 1** of each year. CDFW may terminate this agreement if reports and fees are not submitted within 30 days of the annual submission deadline.

## 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:

Chen-hsuan Hsieh  
City of San Ramon Public Works Department  
2401 Crow Canyon Road  
San Ramon, CA 94583

### To CDFW:

Department of Fish and Wildlife  
Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
Attn: Lake and Streambed Alteration Program – Jennifer Rippert  
Notification #1600-2019-0003-R3  
Fax (707) 428-2036  
Jennifer.Rippert@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, such take will be unlawful under the Endangered Species Act 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, 2023, 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.

### **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.

### **AUTHORIZATION**

This Agreement authorizes only the projects described herein. If Permittee begins or completes a project different from the projects 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**

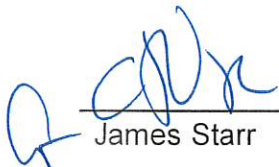
The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR CITY OF SAN RAMON PUBLIC WORKS  
DEPARTMENT**

  
\_\_\_\_\_  
Chen-hsuan Hsieh

08/09/2019  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
\_\_\_\_\_  
James Starr  
Environmental Program Manager

8/26/19  
\_\_\_\_\_  
Date

Prepared by: Jennifer Rippert  
Environmental Scientist

Date of First Issuance: July 8, 2019  
Date of First Revision: August 8, 2019



Revised

FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
1-4-2019	\$3474.25	\$		1600-2019-0003-R3
Assigned to: Jennifer Rippet		Lt. Garrett		

## NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Complete EACH field, unless otherwise indicated, following the enclosed instructions and submit ALL required enclosures. Attach additional pages, if necessary.

### 1. APPLICANT PROPOSING PROJECT

Name	Chen-hsuan Hsieh			
Business/Agency	City of San Ramon Public Works Department			
Mailing Address	2401 Crow Canyon Road			
City, State, Zip	San Ramon, CA, 94583			
Telephone	(925) 973-2675	Fax	(925) 838-3937	
Email	chsieh@sanramon.ca.gov			

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

Name				
Street Address				
City, State, Zip				
Telephone		Fax		
Email				

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

Name				
Street Address				
City, State, Zip				
Telephone		Fax		
Email				

### 4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		Routine Maintenance		
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		D. Seasonal Work Period		E. Number of Work Days
Beginning (year)	Ending (year)	Start Date (month/day)	End Date (month/day)	
2019	2023	See attached	See attached	Varies

#### Attachment D

- *Details for repairs to scour protection within an existing footprint (page 3):*  
**Added detailed description on page 3 of Attachment D.**
- *A map (or mapbook) for Section II with sufficient detail to assist in locating maintenance sites. This map may serve the purpose of addressing the map-related clarifications requested for Section 8 above:* **Creek Map in Section 8 should provide necessary information.**
- *A drawing, diagram, and/or map (preferred) for Section III that shows the applicants jurisdictional boundaries and locations within that area where special status species are known to exist:* **See map in LSA 2019.**

#### Reports and Fees

- *All reports (2014, 2016, 2018) associated with the previously issued routine maintenance agreement (1600-2013-0426-R3):* **See attached in Supplement Information. The 2018 report was sent on February 8, 2019, after we received the Incomplete Notification. We could not find the 2014 and 2016 report so they are reproduced with our best knowledge.**
- *All fees associated with activities not yet reported:* **All fees associated with activities as part of Agreement 1600-2013-0426-R3 had been paid after activities of each year, including \$850 for activities in 2018.**
- *A reporting and compliance plan detailing pre- and post-activity reporting measures for future activities to be covered under the new agreement:* **A contract biologist would conduct pre-activity survey and monitoring during all maintenance activities. Encountering of endangered species will result in temporary stop of work and documentation. Annual report detailing maintenance activities would be submitted to CDFW at the end of each maintenance season, along with all required associated fees.**



## 5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, E, or F is checked, complete the specified attachment.	
A.	<input 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 checked="" type="checkbox"/> Routine Maintenance (Attachment D)
F.	<input type="checkbox"/> Cannabis Cultivation (Attachment E)
G.	<input type="checkbox"/> Department Grant Programs Agreement Number: _____
H.	<input type="checkbox"/> Master
I.	<input type="checkbox"/> Master Timber Operations

## 6. FEES

See the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. <i>Note: The Department may not process this notification until the correct fee has been received.</i>			
	A. Project	B. Project Cost	C. Project Fee
1	Routine Maintenance		\$3,474.25
2			
3			
4			
5			
6			
7			
8			
9			
10			
		D. Base Fee (if applicable)	\$3,474.25
		E. TOTAL FEE*	\$3,474.25

\* Check, money orders, or any debit/credit card with the Visa or Mastercard logo are accepted.



Revised

## 7. PRIOR NOTIFICATION AND ORDERS

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, the Department for the project described in this notification?		
<input checked="" type="checkbox"/> Yes (Provide the information below) <input type="checkbox"/> No		
Applicant	Notification Number	Date
City of San Ramon	1600-2013-0426-R3	07/22/2014
B. Is this notification being submitted in response to a court or administrative order or notice, or a notice of violation (NOV) issued by the Department?		
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Enclose a copy of the order, notice, or NOV. If the applicant was directed to notify the Department verbally rather than in writing, identify the person who directed the applicant to submit this notification and the agency he or she represents, and describe the circumstances relating to the order.)		
<input type="checkbox"/> Continued on additional page(s)		

## 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)				
Those reaches of South San Ramon, Norris, Coyote, Oak, San Ramon, Bollinger, San Catania, Watson Canyon, and Alamo Creeks and associated drainages and tributaries that are within the City of San Ramon. See attached map.  Dougherty Valley area is excluded from this agreement. Maintenance activities in this area are subject to the biological opinions developed by the US Fish and Wildlife Service and associated maintenance are still in effect. Apart from that it is understood that the Tiger Salamander is likely present in a seasonally dry detention basin know as Pond I that is located on the north side of Dougherty Valley. It is anticipated that maintenance activities in this area would require a specific avoidance and monitoring plan and a USFWS permit.				
<input type="checkbox"/> Continued on additional page(s)				
B. River, stream, or lake affected by the project.		Creeks listed in 8A.		
C. What water body is the river, stream, or lake tributary to?		Alameda and Walnut Creeks		
D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown		
E. County	Contra Costa			
F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Dublin	T2S	R1W		
Diablo	T2S	R1W		
<input type="checkbox"/> Continued on additional page(s)				
K. Meridian (check one)	<input type="checkbox"/> Humboldt <input checked="" type="checkbox"/> Mt. Diablo <input type="checkbox"/> San Bernardino			
L. Assessor's Parcel Number(s)				
N/A				
<input type="checkbox"/> Continued on additional page(s)				





State of California – Department of Fish and Wildlife  
**NOTIFICATION OF LAKE OR STREAMBED ALTERATION**  
**FISH AND GAME CODE SECTION 1602**  
DFW 2023 (REV. 05/01/18) Page 4

M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)

Latitude/Longitude	Latitude: N/A	Longitude: N/A	
	<input type="checkbox"/> Degrees/Minutes/Seconds	<input type="checkbox"/> Decimal Degrees	<input type="checkbox"/> Decimal Minutes
UTM	Easting:	Northing:	<input type="checkbox"/> Zone 10 <input type="checkbox"/> Zone 11
Datum used for Latitude/Longitude or UTM		<input type="checkbox"/> NAD 27	<input type="checkbox"/> NAD 83 or WGS 84

**9. PROJECT CATEGORY**

WORK TYPE	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR-MAINTAIN-OPERATE EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Culvert	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
flood control	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
Water diversion with facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Revised

#### 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.
- Enclose diagrams, drawings, plans, 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.

See attached.

☒ Continued on additional page(s)

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

No wheeled or tracked equipment is anticipated to be operated in any live creek channel. Such equipment would be operated only within channels or culverts that are dry or have been dewatered. At any locations where equipment needs to access a culvert or earthen channel, the channel will be protected by temporary cribbing or other means specified by the Department of Fish and Wildlife.

☐ 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 proposed project require work in the wetted portion of the channel?

☐ Yes (Enclose a plan to divert water around work site)  
☒ No



Revised

# 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.

See attached.

☒ 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
See attached	Linear feet: _____	Linear feet: _____
	Total area: _____	Total area: _____
	Linear feet: _____	Linear feet: _____
	Total area: _____	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

Western Pond Turtle (South San Ramon Creek)  
California Red-legged Frog (Alamo Creek, Norris Creek)

☐ Continued on additional page(s)

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

Previously submitted as part of #1600-2013-0426-R3.

☐ 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.



Revised

F. Has a hydrological study been completed for the project or project site?

☐ Yes (Enclose the hydrological study) ☒ No

*Note: A hydrological study or other information on site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) may be required to evaluate potential project impacts on hydrology.*

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 the Department to deem your notification complete. If "no" is checked, or the resolution of the mapping or delineation is insufficient, the Department may request mapping or delineation (in digital or non-digital format), or higher resolution mapping or delineation for the Department 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 from entering watercourses during and after construction.

Disturbance to soil will be minimized to the maximum extent practical. Sediment traps and filtration devices will be installed as needed during construction. Straw wattles, silt fences and revegetation with native species will be used as need and appropriate.

☐ Continued on additional page(s)

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

Project avoidance and minimization measures will be the same as the previous Agreement. See attached measures from #1600-2013-0426-R3.

☒ Continued on additional page(s)

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

Efforts will be taken to the maximum extent practical to minimize disturbance to the soil and vegetation. Any disturbed areas will be replanted with appropriate native vegetation. Bioengineering solutions will be applied where feasible.

☐ Continued on additional page(s)



### 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. \_\_\_\_\_ ☐ Applied ☐ Issued
- B. \_\_\_\_\_ ☐ Applied ☐ Issued
- C. \_\_\_\_\_ ☐ 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 draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA) and/or National Environmental Protection Act (NEPA)?

- ☐ Yes (Check the box for each CEQA or NEPA document that has been prepared and enclose a copy of each.)
- ☒ No (Check the box for each CEQA or NEPA document listed below that will be or is being prepared.)

- ☒ Notice of Exemption
- ☐ Initial Study
- ☐ Negative Declaration
- ☐ THP/ NTMP

- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Notice of Determination (Enclose)
- ☐ Mitigation, Monitoring, Reporting Plan

☐ NEPA document (type): \_\_\_\_\_

B. State Clearinghouse Number (if applicable) \_\_\_\_\_

C. Has a CEQA lead agency been determined? ☒ Yes (Complete boxes D, E, and F) ☐ No (Skip to box 14.G)

D. CEQA Lead Agency City of San Ramon

E. Contact Person Chen-hsuan Hsieh

F. Telephone Number (925) 973-2675

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).

☐ Continued on additional page(s)

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: If a CEQA filing fee is required, the Lake or Streambed Alteration Agreement may not be finalized until paid.



Revised

#### 15. SITE INSPECTION

Check one box only.

☒ In the event the Department determines that a site inspection is necessary, I hereby authorize a Department 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 the Department such entry.

☐ I request the Department to first contact (insert name) \_\_\_\_\_  
at (insert telephone number) \_\_\_\_\_ 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 the Department's determination as to whether a Lake or Streambed Alteration Agreement is required  
and/or the Department'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, the Department 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 the Department 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

04/09/2019  
Date

Chen-hsuan Hsieh  
Print Name



Revised

Applicant Name: Chen-hsuan Hsieh

Project Name: Routine Maintenance

## ATTACHMENT D

### Routine Maintenance

Complete this attachment only when notifying for routine maintenance activities that will be recurring over the term of the agreement, such as maintaining a number of existing private or public facilities, including but not limited to canals, channels, culverts, and ditches. Submit this form with the completed notification form (DFW 2023).

#### I. REGULARLY RE-OCCURRING MAINTENANCE ACTIVITIES (Check all that apply)

☒ Sediment removal (☒ concrete-lined lake or stream or ☒ earthen lake or stream):

☒ In and around bridges, culverts, storm drain outlets, and/or water diversion structure

☒ Stream channel bed

☒ Stream channel bank(s)

☐ Pond or lake

☐ Marina basin

☒ Detention basin

☐ Boat launch channel

☐ Other: \_\_\_\_\_

Method (heavy equipment, suction dredge, etc.) – specify: heavy equipment operates only from the bank or concrete aprons.

Estimated total cumulative sediment volume removed annually: varies with location and accumulation

Estimated total cumulative area impacted by sediment removal annually: varies with location and accumulation

Estimated recurrence frequency for sediment removal: annual - depending on location

☒ Vegetation management:

☒ Limbing and/or trimming of branches and tree limbs

☐ Removal under high power lines

☒ Removing fallen trees

☒ Removing dead (not dormant) trees and shrubs

☒ Stump left intact

☐ Stump removal – specify: \_\_\_\_\_



Revised

☒ Removing vegetation (e.g., bulrush and cattails) from stream channel bed with:

- ☒ Non-motorized hand tools
- ☒ Mechanical vegetation cutters, shredders, string trimmers (a.k.a. weed-whacker, weed-whip), chainsaws
- ☐ Mowing
- ☐ Heavy equipment (soil disturbance)
- ☐ Herbicide – specify chemicals and attach application plan: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

☒ Removing vegetation from bank with:

- ☒ Non-motorized hand tools
- ☒ Mechanical vegetation cutters, shredders, string trimmers (a.k.a. weed-whacker, weed-whip), chainsaws
- ☐ Mowing
- ☐ Heavy equipment (soil disturbance)
- ☐ Herbicide – specify chemicals and attach application plan: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

☒ Removing only non-native vegetation with:

- ☐ Non-motorized hand tools
- ☒ Mechanical vegetation cutters, shredders, string trimmers (a.k.a. weed-whacker, weed-whip), chainsaws
- ☐ Mowing
- ☒ Heavy equipment (soil disturbance)
- ☐ Herbicide – specify chemicals and attach application plan: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

☐ Vegetation and brush pile burning – specify burn location: \_\_\_\_\_

☐ Other vegetation management: \_\_\_\_\_

Estimated total linear feet of vegetation removed annually: \_\_\_\_\_

Estimated total cumulative area impacted by vegetation management annually: \_\_\_\_\_

Estimated recurrence frequency for vegetation management: annual

**Intentionally Left Blank**





State of California – Department of Fish and Wildlife  
**NOTIFICATION OF LAKE OR STREAMBED ALTERATION**  
**ROUTINE MAINTENANCE – ATTACHMENT D**  
DFW 2023D (REV. 12/20/16) Page 3

☒ Existing facilities:

☒ Erosion within existing facilities and easements

☒ New erosion repair

☒ Repair at existing erosion control sites

☐ Other: \_\_\_\_\_

☒ Road maintenance (e.g. repair or re-grade) of existing rights of way

☐ Minor bridge work – ☐ work from bank or ☐ work in-channel (describe on a separate page if the work requires dewatering):

☐ Reinforcing pilings

☐ Reinforcing aprons

☐ Painting (access and falsework)

☐ Paint removal – specify method: \_\_\_\_\_

☐ Other: \_\_\_\_\_

Specify materials and equipment: \_\_\_\_\_

☒ Minor culvert repair:

☒ Repairing wingwalls within existing footprint

☒ Repairing scour protection within existing footprint – provide detail:

☐ Other: \_\_\_\_\_

☒ Maintenance of stormwater outfalls and drop-inlet culverts

☒ Erosion repair

☐ Flow dissipaters

☐ Servicing of water quality monitoring stations, stream gages, etc.

☐ Boat launch repair

☒ Graffiti removal and abatement from bridges, culverts, and other instream structures

☒ Removal of trash and debris from:

☒ Within channels

☒ Head gates, screens, racks, pilings and piers

☐ Other: \_\_\_\_\_



State of California – Department of Fish and Wildlife  
**NOTIFICATION OF LAKE OR STREAMBED ALTERATION**  
**ROUTINE MAINTENANCE – ATTACHMENT D**  
DFW 2023D (REV. 12/20/16) Page 4

Location where trash and debris will be placed or discarded: \_\_\_\_\_

☐ Pesticide application:

☐ Rodenticides – specify chemicals and attach application plan: \_\_\_\_\_

☐ Insecticides – specify chemicals and attach application plan: \_\_\_\_\_

Name of Licensed Agricultural Pest Control Advisor: \_\_\_\_\_

Estimated recurrence frequency for pesticide application: \_\_\_\_\_

☐ Other type of routine maintenance activity (provide details below):

## II. MAP OR MAPBOOK

Attach a map of sufficient detail to assist in locating maintenance sites, minimally including the following:

- A. The applicant's jurisdictional boundaries within the project area.
- B. All watercourses within the jurisdictional boundaries where maintenance will occur.
- C. A key to identify each watercourse (e.g. earthen or concrete lined) and the maintenance activities (e.g. vegetation removal, sediment removal, etc.) and location (e.g., bridges, water control diversions, and large scale maintenance) of those activities that are likely to occur.

## III. SPECIAL STATUS SPECIES LOCATIONS

A drawing, diagram, and/or map that shows the applicant's jurisdictional boundaries and the locations within that area where special status species are known to exist.

## Notice of Exemption

- 1 -

**To:**

Office of Planning and Research  
For U.S. Mail:  
P.O. Box 3044  
Sacramento, CA 95812-3044

**From:**

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

**Street Address:**

1400 Tenth Street  
Sacramento, CA 95814

**Project Title:** City of San Ramon Routine Maintenance Agreement 2019 (Streambed Alteration Agreement No. 1600-2019-0003-R3)

**Project Location:** The project is located in the city of San Ramon, Contra Costa County in the State of California. The watersheds included in this project are South San Ramon Creek, Norris Creek, Coyote Creek, Oak Creek, San Ramon Creek, Bollinger Creek, San Catano Creek, Watson Creek, and designated portions of Alamo Creek.

**Project Description:** The California Department of Fish and Wildlife has executed Lake and Streambed Alteration Agreement number 1600-2019-0003-R3, pursuant to Section 1602 of the Fish and Game Code to City of San Ramon Public Works Department.

The project is limited to routine maintenance activities within the city limits of San Ramon. "Routine maintenance activities" are generally defined as periodic activities necessary to maintain the water transport capacity of streams and channels and maintain the structural and functioning integrity of existing concrete lined channels and sediment detention structures within or affecting streams.

**Public Agency Approving Project:** CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

**Person or Public Agency Carrying Out Project:** City of San Ramon Public Works Department

**Exempt Status:**

☐ Statutory Exemption.

☒ Categorical Exemption. Type – Class (1, 2, 4); California Code of Regulations, title 14, section (15301, 15302, 15304)

**Reasons why project is exempt:** The collective projects of the routine maintenance agreement consist of: the operation, repair, maintenance, permitting, licensing, or minor alteration of existing public structures, facilities, mechanical equipment, or topographical features; replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and, minor public alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees.

**CDFW Contact Person:** Jennifer Rippert, Environmental Scientist (707) 428-2069

*Signature:* 

James Starr, Environmental Program Manager

*Date:* August 26, 2019

Date received for filing at OPR: \_\_\_\_\_