



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 12, 2023

Jennifer Codianne
Santa Clara Valley Water District (Valley Water)
5750 Almaden Expressway
San Jose, CA 95118

Dear Jen Codianne:

Extension of Lake or Streambed Alteration Agreement, Notification No. 1600-2011-0336-R3, Stream Maintenance Program

The California Department of Fish and Wildlife (CDFW) received your request to extend Lake or Streambed Alteration Agreement (Agreement) and extension fee on February 21, 2023. You requested to extend the expiration of the Agreement from December 31, 2023, to December 31, 2028.

CDFW has determined that an extension will require modifications to the Agreement because the measures contained in the Agreement no longer protect the fish and wildlife resources that the activity may substantially adversely affect. CDFW hereby agrees to extend the term of the agreement to December 31, 2028, with addition of the following conditions to protect fish and wildlife resources:

1. Nesting Bird Survey Methodology and Avoidance Plan. Permittee shall develop a nesting bird survey methodology and avoidance plan that shall be implemented for the Stream Maintenance Program's vegetation removal activities. The plan shall be submitted to CDFW for review and approval within 45 days of finalizing the Agreement extension.
2. Crotch's Bumble Bee Avoidance Plan. The Permittee is responsible for ensuring that project activities do not result in take of Crotch's bumble bee while a candidate species, or if Crotch's bumble bee becomes state-listed as threatened or endangered during the term of this Agreement unless take authorization is provided through an Incidental Take Permit under Fish and Game Code section 2081(b). For all work proposed that may include ground disturbance, dewatering, or vegetation removal within the geographic range of Crotch's bumble bee, the Permittee shall submit, for CDFW review and approval, a Crotch's Bumble Bee Avoidance Plan (Plan) to ensure that no Crotch's bumble bees are taken during project implementation. The Permittee submitted a draft Crotch's Bumble Bee Avoidance Plan on July 19, 2023. The Permittee shall submit a final plan to CDFW for review and written approval. Crotch's bumble bee measures may be revised in consultation with CDFW as more information on the species becomes available.

Conserving California's Wildlife Since 1870

Jennifer Codianne
September 12, 2023
1600-2011-0336-R3
Page 2 of 3

3. Fully Protected Species. Please be advised that State Bill 147 was passed on July 10, 2023 (https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB147). This bill includes the ability for CDFW to authorize take of a fully protected species. Fully protected species are known to occur within the SMP coverage area such as salt marsh harvest mouse (*Reithrodontomys raviventris*) and California Ridgway's rail (formerly called Clapper rail, *Rallus longirostris obsoletus*). CDFW recommends that Permittee evaluate whether SMP activities have the potential for take of fully protected species. If SMP activities have the potential for take and avoidance measures cannot be implemented, CDFW recommends the Permittee request take authorization under an Incidental Take Permit (pursuant to Fish and Game Code 2081(b)).

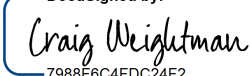
All other conditions in the original Agreement dated September 25, 2014, remain in effect.

Please sign this letter to acknowledge the extension and additional measure to protect fish and wildlife resources. Copies of the Agreement and this extension must be readily available at project work sites and must be presented when requested by a CDFW representative or agency with inspection authority.

If you have any questions regarding this letter, please contact Mayra Molina, Senior Environmental Scientist (Specialist) at (707) 428-2067 or by email at mayra.molina@wildlife.ca.gov.

Sincerely,

DocuSigned by:



7988F6C4FDC24F2...

Craig Weightman
Environmental Program Manager
Bay Delta Region

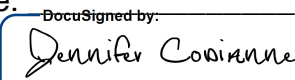
Jennifer Codianne
September 12, 2023
1600-2011-0336-R3
Page 3 of 3

ACKNOWLEDGEMENT

I hereby agree to the above-referenced amendment.

Print Name: Jennifer Codianne

Date: 9/12/2023

Signature: 
B78805F5A810445...



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



September 25, 2014

Norma Camacho
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Subject: Final Lake or Streambed Alteration Agreement
Notification No. 1600-2011-0336-R3
Santa Clara Valley Water District Stream Maintenance Program Update
2014-2023

Dear Ms. Camacho:

Enclosed is the final Streambed Alteration Agreement ("Agreement") for the Santa Clara Valley Water District Stream Maintenance Program Update 2014-2023 ("Project"). Before the Department may issue an Agreement, it must comply with the California Environmental Quality Act ("CEQA"). In this case, the Department, acting as a responsible agency, filed a notice of determination ("NOD") on September 25, 2014 based on information contained in the Environmental Impact Report the lead agency prepared for the Project.

Under CEQA, filing a NOD starts a 30-day period within which a party may challenge the filing agency's approval of the project. You may begin your project before the 30-day period 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 matter, please contact Tami Schane, Environmental Scientist, at (415) 831-4640 or tami.schane@wildlife.ca.gov.

Sincerely,

Craig J. Weightman
Environmental Program Manager
Bay Delta Region

cc: Lieutenant Moore

CALIFORNIA DEPARTMENT OF FISH AND GAME
BAY DELTA REGION
7329 SILVERADO TRAIL
NAPA, CALIFORNIA 94558
(707) 944-5520
WWW.DFG.CA.GOV



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2011-0336-R3

SANTA CLARA VALLEY WATER DISTRICT
SANTA CLARA VALLEY WATER DISTRICT STREAM MAINTENANCE PROGRAM
UPDATE 2014-2023

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Santa Clara Valley Water District (Permittee; SCVWD), as represented by Norma Camacho.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on September 19, 2011 that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC 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 consists of the 2014-2023 Stream Maintenance Program (SMP-2) and is located in portions of Santa Clara County below the 1,000-foot elevation contour along approximately 800 miles of creek and related facilities under jurisdiction of the SCVWD (Exhibit 1). The project area is divided into two major hydrologic basins. The Santa Clara Basin drains to San Francisco Bay and the Pajaro River Watershed drains to Monterey Bay. Municipalities within the project area include the cities of Campbell, Cupertino, Gilroy, Los Altos, Milpitas, Morgan Hill, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale, and the towns of Los Altos Hills and Los Gatos.

PROJECT DESCRIPTION

SMP-2 is a program consisting of routine maintenance activities intended to maintain the flow conveyance capacity of SCVWD channels and facilities and to maintain the structural and functional integrity of SCVWD facilities. The Stream Maintenance Program was first implemented in 2002, using a 20-year planning horizon to forecast activities and potential environmental effects. Periodic updates have been made as necessary to meet new conditions or maintenance needs of the SCVWD. The 2002 Stream Maintenance Program (referred to as SMP-1) is covered under Streambed Alteration Agreement 1600-2009-361-3 (expires December 31, 2014). The SCVWD is replacing the original SMP-1 with a newly revised and updated program (SMP-2) as described in 1) the *2014-2023 Stream Maintenance SMP Manual* (SMP Manual), dated July 9, 2014 (subject to revision); and 2) the *SMP-2 Errata Sheet Post February 7, 2014 Version, July 9, 2014 (Second Errata)*. The SMP Manual and associated errata sheet (both in Exhibit 2) are intended to be a "living document", which will allow for minor updates and revisions as maintenance techniques and methods are changed to be more protective of the environment and to improve SCVWD's SMP-2. Additional errata sheets will be incorporated as needed into the SMP Manual reflecting any updates and revisions.

SMP-2 consists of five categories of work, performed regularly and often repeatedly. The five categories include sediment removal, vegetation management, bank stabilization, management of animal conflicts, and minor maintenance. Each of these categories are described in detail in the SMP Manual and in the *Final Subsequent Environmental Impact Report for the Stream Maintenance Program Update 2012-2022*, dated December 2011.

Stream Maintenance Activity Descriptions

Vegetation Management

Vegetation management will include trimming, thinning, or removing vegetation that compromises channel conveyance capacity through flow blockages, trapped debris, or significantly increased hydraulic roughness. Vegetation management will also reduce fuel loads to achieve fire safety, control invasive exotic vegetation, preserve levee integrity, and provide access to SCVWD facilities. Vegetation management methods will include pruning with mechanized and non-mechanized hand tools; hand or mechanical removal followed by cut-stump herbicide application; herbicide application using a hose or hand gun, backpack sprayer, or truck mounted boom; mowing with mechanized or hand-held equipment; flaming with a gas-powered hand-held wand; and grazing with a small herd of animals. Vegetation management is a maintenance activity that will be proposed on an annual basis and will occur along fences, roads, levee slopes, creeks, and stream gauges. Some trees and shrubs less than or equal to 12" diameter at breast height (dbh) may be removed under SMP-2.

Management of large woody debris (LWD) in anadromous salmonid channels is also included under vegetation management. While LWD will be retained in channels where possible, it will be removed in the immediate vicinity of bridges and culverts. The SCVWD will use a four-tiered evaluation process to manage LWD in SMP-2 channels [see Attachment E in the SMP Manual (Exhibit 2) for details].

Sediment Removal

Sediment removal is the act of mechanically removing sediment that has deposited within a channel. Sediment removal will be required when accumulated sediment reduces a channel's flow conveyance capacity, prevents facilities or appurtenant structures from functioning as intended, or impedes fish passage and access to fish ladders. Sediment will be removed to allow a channel to convey flow and minimize the flood hazard according to the existing channel design (where available). Sediment removal will usually be conducted in dry stream channels or after dewatering. Heavy equipment such as excavators, long-reach excavators, bulldozers, scrapers, and front-end loaders may be used from the tops of banks or in the channel. Smaller compact tractors such as Bobcats may be lowered into the channels, when dry or after dewatering, to remove sediment from culverts where larger equipment will not fit. Removed sediment will either be placed directly into dump trucks or stockpiled in an upland area for subsequent removal. Sediment removal is a maintenance activity that will be proposed on an annual basis and will occur along creeks, stream gauges, and fish ladders.

Bank Stabilization

Bank stabilization will involve repairing and stabilizing channel banks and levees that are eroding or are in need of erosion protection. Although bank stabilization is routine and expected, specific work locations will not be predictable. This type of maintenance will be proposed on an annual basis. Rather, bank stabilization maintenance needs will be assessed annually on an as-needed basis. The SCVWD has made a commitment to avoid impervious hardscape materials where technically feasible, and that no more than half the number of bank repair activities will consist of impervious hardscape materials (in all watersheds combined) each year. Bank stabilization methods are described as "hard", "soft", or "hybrid", depending on the degree of bank hardening involved (Exhibit 3). "Hard" methods may include concrete blocks, sacked concrete, boulders, or other hardened materials. "Soft" methods may include biotechnical treatments emphasizing vegetation and earthen banks. "Hybrid" methods are typically earthen bank repairs that include some type of rock material in the lower bank zone to provide additional strengthening. Further details of each bank stabilization method can be found in Attachment A of the SMP Manual (Exhibit 2).

Management of Animal Conflicts

Animals may damage SCVWD facilities by burrowing into levees or channel banks, foraging at mitigation sites, and/or interfering with work activities. To avoid compromising SCVWD facilities and reduce conflicts with species living in or present within sites where work is necessary, management of animal conflicts may be

undertaken. Management of animal conflict activities may include use of off-the-shelf chemicals and sprays to address nuisance insects such as spiders and wasps near bridges and culverts; physical alterations of facilities such as temporary placement of bird netting to prevent nesting in work areas, surface compaction of levee faces, filling of rodent burrows with slurry material, and placement of physical barriers such as chain link fencing, geotextile mats, and erosion blankets to inhibit burrowing by mammals; habitat modification such as mowing prior to avian ground-nesting activities; non-lethal trapping and relocation; and lethal control through use of fumigants, chemical baits such as aluminum phosphide and strychnine, first generation anticoagulants, live-trapping and subsequent euthanasia via carbon dioxide gas, and kill traps such as box traps, tunnel/tube traps, and Conibear 110 body-gripping traps.

Minor Maintenance

Minor maintenance includes gate and fence repairs; access road maintenance; sediment removal of 25 cubic yards or less (and not extending further than 100 feet in any direction from the facility) at outfalls, culverts, flap gates, tide gates, inlets, grade control structures, bridges, stream gauges; trash and debris removal that may require minor ground disturbance; grading to restore the original contour of existing maintenance roads; grading small areas above stream banks to improve drainage and reduce erosion; repair of structures with similar materials within the same footprint (such as replacement of concrete linings, culverts, pipes, valves or similar structures; or repairing a weir, in-stream orifice, or communication pipe); installation and on-going maintenance of mitigation and landscape sites such as irrigation, weed control, replanting of dead or declining individual plants; removal of obstructions, other than sediment and LWD, at structures such as bridges (not to exceed 100 feet upstream and downstream of a bridge), stream gauges, box culverts, storm drain outfalls, and drop structures to maintain functions of such structures; stream gauge maintenance, including stilling well cleaning, painting of gauge houses, replacing/adding antennae or solar panels to existing structures, replacing instrumentation, cableway repair, weir cleaning of algae and debris, and unburying staff markers/orifice/communication pipes; and minor erosion repair above the ordinary high-water mark that includes the repair of small rills or gullies (less than 5 feet wide) that may develop in channel banks or upland areas due to localized runoff conditions. Minor maintenance may occur anywhere in the SMP-2 area. An individual minor maintenance activity cannot result in removal of more than 0.08 acres (3,485 square feet) of wetland or riparian vegetation annually. The total annual impact limit of minor maintenance in all watersheds is 0.4 acres of wetland or riparian vegetation.

Channel Types

Channels within the SMP-2 area are classified according to three general types, depending on their form and channel material type. The three channel types include: modified channel, modified channel with ecological value, and unmodified channel. Figures 1-2 through 1-6 in the SMP Manual (Exhibit 2) show maps of the different channel types in each of the main watersheds. Figures 1-7, 1-8, and 1-9 in the SMP

Manual show representative photographs of modified, modified channels with ecological value, and unmodified channels.

Modified Channel: A modified channel is defined as a channel that has been substantially altered from historical conditions. Some modified channels have had recent capital improvement projects, while others were constructed as a condition of land development approvals or to maximize developable land adjacent to the creek. Some modified channels have established flood flow conveyance criteria and will be maintained to those criteria. However, other channels clearly have been modified over time but not necessarily to an engineered design with established flood flow conveyance criteria. Modified channels typically include realigned, straightened, improved, or hardened reaches that have been designed to maximize efficient flow of water with minimal erosion. These channels generally are grass-lined, concrete-lined (bed or bank), and may include a high flow channel. These channels may have the potential for some environmental enhancement but are differentiated from the modified channel with ecological values type, which have existing and often diverse ecological values. A concrete channel bed in a creek containing the Federally Threatened Central California Coast steelhead, Federally Threatened and State Species of Special Concern South-Central California Coast steelhead (*Oncorhynchus mykiss*), State Species of Special Concern Central Valley fall-run chinook salmon (*O. tshawytscha*), or Federally Threatened and State Species of Special Concern green sturgeon (*Acipenser medirostris*) creek is considered a modified channel (not a modified channel with ecological value) due to the disconnection for fish from a natural channel bed.

Modified Channel with Ecological Values: A modified channel with ecological value is defined as a channel that has been significantly altered from historical conditions but also has features such as closed canopy riparian woodland, and/or is known to support special-status species. Some of these channels have had recently completed capital improvement projects, while others have had some level of construction that did not eliminate all of the ecological value areas, or the reconfigured channel was allowed to return to a natural state. Some of these channels have established flood flow conveyance criteria and are maintained to those criteria. These channels include realigned, straightened, improved, or hardened reaches, and are designed to move flood flows with minimal erosion. Modified channels with ecological values include all creeks with earthen beds, including those identified as supporting steelhead, fall-run Chinook salmon, or green sturgeon; or creeks providing features such as closed riparian woodland canopy, and/or habitat known to support special-status species. Modified channels with ecological values may or may not have concrete banks, but do not have concrete beds.

Unmodified Channel: An unmodified channel is defined as a creek (including riparian habitat that has not been substantially altered) that is generally unchanged from historic conditions. Unmodified channels may have small areas of modification, including bridges, outfalls, culverts, gauges, or other appurtenant structures. Unmodified

channels usually are located in areas without other types of flood protection measures and generally occur in the foothills or higher elevations of the SMP area.

Activities Not Covered

The SMP-2 does not include the following stream maintenance activities:

1. Emergency repair work;
2. Maintenance work that would increase the flow conveyance or water supply capacity of a facility beyond the designed conveyance channel capacity (as-built design);
3. Maintenance work in stream reaches that are above the 1,000-foot elevation contour (areas typically above reservoirs);
4. Maintenance work for dams, reservoirs, and other water supply facilities, such as canals, pipelines outside of stream corridors, groundwater percolation ponds, and instream summer dams;
5. Installation of new or major modification of fish ladders;
6. Maintenance work conducted on private property by owners or other agencies;
7. Maintenance work performed by other agencies;
8. Maintenance work for large construction projects or capital improvement projects;
9. Area-wide, intensive maintenance, or rehabilitation of large (greater than 0.05 acre) areas, implemented as part of capital improvement projects that have persisted beyond the plant establishment period.

Maintenance Guidelines

To maximize their ability to preserve flood conveyance capacity in stream channels while protecting and enhancing in-stream resources, SCVWD has developed Maintenance Guidelines (MGs), the purpose of which are to provide a quantitative approach to identifying deficiencies that would trigger maintenance actions on SCVWD facilities described in the SMP. These MGs are developed from field surveys and engineering-based analyses of channel conditions and are intended to establish limits on sediment removal and vegetation management activities in order to avoid unnecessary impacts to stream resources. While MGs exist on some SMP-2 stream channels, many of these will be updated during the course of SMP-2 to reflect current conditions and maintenance approaches. MGs will also be developed on many other channels during the course of the SMP-2, as described in Chapter 3.6 of the SMP Manual (Exhibit 2).

Work Windows

Specific SMP-2 activities have timing or seasonal restrictions. In general, the available work window for in-channel vegetation, herbicide application, sediment removal, and bank stabilization is between June 15 and October 15 of each year. Under certain conditions, and depending on the activity type, the SCVWD may conduct maintenance

work past October 15. Exhibits 4-6 provide tables showing the work windows for the different types of maintenance activities, depending on whether the work is in-channel for creeks supporting sensitive species, in-channel for creeks not supporting sensitive species, and for non-in-channel work.

Mitigation Program

Mitigation requirements for SMP-1 activities as identified in the 2001-2002 SMP program documents and associated permits included tidal wetland restoration, freshwater wetland creation/restoration, stream and watershed protection, giant reed (*Arundo donax*) control, and invasive smooth cordgrass (*Spartina alterniflora*) control (Exhibits 7 and 8). All mitigation elements required for SMP-1 have been completed except for the stream and watershed protection element. SCVWD is in the process of completing the acquisition of properties to complete fulfillment of this mitigation requirement.

During SMP-1, SCVWD conducted on-site mitigation activities for bank stabilization projects. Mitigation for the impacts associated with SMP-1 vegetation maintenance and sediment removal activities, where work was actually performed, has been provided through the compensatory mitigation program of SMP-1 (described above). These areas where maintenance work was performed during SMP-1 are referred to as Previously Mitigated Areas (PMAs). PMAs are shown in Figures 10-2 through 10-6 and are listed in Table 10-3 of Chapter 10 of the SMP Manual (Exhibit 2). No additional mitigation for impacts to wetland and riparian habitat during SMP-2 in PMAs will be necessary for maintenance activities that are of the same type as those mitigated under SMP-1. Mitigation for impacts to wetland and riparian habitat will be necessary in PMAs where the maintenance activity type differs from the activity type that was mitigated under SMP-1.

PMAs do not exist for impacts to anadromous salmonid streams associated with sediment removal and LWD removal, or for channels and maintenance activities that were identified and permitted in SMP-1, but for which the projected maintenance work did not occur during the 2002-2013 period. For channels and activities that may have been previously projected, but no work was conducted, mitigation under SMP-2 will be applied as described below and in Chapter 10.4 of the SMP Manual (Exhibit 2).

To summarize, mitigation will be provided for routine stream maintenance activities under SMP-2 in new work areas, defined as the following: areas not covered by SMP-1 mitigation; areas where maintenance in SMP-1 channels was previously identified, but where work never occurred; and for SMP-1 channels where work was conducted, but the work under SMP-2 is of a different type than conducted under SMP-1.

Potential mitigation approaches for SMP-2 will include on-site and off-site ecologic services based mitigation; land acquisition based mitigation; single-user mitigation bank [as required by the U.S. Army Corps of Engineers (USACE) and developed in

coordination with the USACE and other regulatory agencies, including CDFW]; and other (special-status species and habitat-related) mitigation. These approaches are briefly described below but further details are found in Chapter 10 of the SMP Manual (Exhibit 2).

On-site and Off-site Ecological Services Based Mitigation:

Invasive Plant Management Program (IPMP): The IPMP in Attachment D of the SMP Manual (Exhibit 2) will provide compensatory mitigation for temporary SMP impacts to upland, riparian, freshwater and tidal wetlands from vegetation, bank stabilization, and sediment management activities by eliminating or significantly reducing the population of invasive plant species from these affected habitats. Invasive species removal for flow conveyance will be considered impact-neutral and no compensation will be required.

Riparian Planting Program: Restoration, enhancement, and establishment of riparian vegetation will be accomplished primarily via the revegetation of creek banks and terraces within the SMP area where the existing physical conditions (i.e., topography, hydrology, and soils) are suitable to establish native-dominated riparian habitat. Details are found in Chapter 10.5 of the SMP Manual (Exhibit 2).

Tree and Shrub Replacement: Removal of trees less than 6" dbh that are not located within the PMA will be mitigated through the IPMP and Riparian Planting Program. Removal of trees measuring 6"-12" dbh will be mitigated through tree replacement and planting based on a counting and appraisal of the removed trees. Attachment C (Tree Scoring for Removal of Trees and Shrubs 6-12" DBH - April, 2011) of the SMP Manual (Exhibit 2) provides a tree appraisal and evaluation protocol to determine how replacement tree planting will occur.

Land Acquisition: SCVWD will continue to seek opportunities to acquire lands to address longer-term mitigation needs. As such lands are identified, SCVWD will coordinate with the regulatory agencies to evaluate, review, and approve how such potential lands could be used for SMP-2 mitigation.

Single-User Mitigation Bank: The SCVWD may develop a single-user mitigation bank in coordination with the U.S. Army Corps of Engineers. The single-user mitigation bank will allow for establishment of multiple mitigation sites over time and establish the site protection requirements set forth in a formal banking agreement between the U.S. Army Corps of Engineers, SCVWD, and may include the San Francisco and Central Coast Regional Water Quality Control Boards, National Marine Fisheries Service, and CDFW. This bank, if established, will be used for impacts that cannot be addressed, or are not appropriately addressed, through the ecologic services based mitigation. The single-user mitigation bank will incorporate any new land acquisition based mitigation, the potential rollover of excess mitigation from SMP-1 if available, off-site mitigation for bank stabilization projects, and mitigation for other permanent or repeated impacts not accommodated in the other mitigation approaches.

Special-Status Species and Habitat-Related Mitigation:

For impacts to listed species regulated by the U.S. Fish and Wildlife Service, SCVWD will provide species-specific mitigation as described in the U.S. Fish and Wildlife Service's Programmatic Biological Opinion (08ESMF00-2012-F-0398), dated April 4, 2014.

Burrowing Owl: Permanent impacts to the State Species of Special Concern burrowing owl (*Athene cunicularia*) will be mitigated through the payment of burrowing owl impact fees to the Santa Clara Valley Habitat Agency.

California Tiger Salamander: Impacts to the State and Federally Threatened California tiger salamander (*Ambystoma californiense*) will be mitigated as described in the U.S. Fish and Wildlife Service's Programmatic Biological Opinion (08ESMF00-2012-F-0398) dated April 4, 2014, and through an Incidental Take Permit (ITP) issued by CDFW. SCVWD submitted an ITP to CDFW application on September 19, 2011, and provided additional information and comments on April 12, 2012; December 19, 2012; March 7, 2013; May 1, 2013; February 11, 2014; March 31, 2014, April 20, 2014, and June 3, 2014. A final ITP has not yet been issued, pending receipt of additional requested information by CDFW.

Salmonids: Impacts to the Federally Threatened Central California coast steelhead, Federally Threatened and State Species of Special Concern South-Central California coast steelhead, and State Species of Special Concern Central Valley fall-run Chinook salmon, resulting from bank stabilization and sediment removal projects will be assessed and mitigated through gravel augmentation and in-stream complexity as described in Attachment I of the SMP Manual (Exhibit 2), as required by National Marine Fisheries Service's Biological Opinion (SWR-2011-3722) dated April 8, 2014.

Yellow Warbler Habitat: For impacts to the State Species of Special Concern yellow warbler (*Dendroica petechia brewsteri*), SCVWD will restore riparian habitat at a 1:1 ratio.

Pallid Bat: For impacts to the State Species of Special Concern pallid bat (*Antrozous pallidus*), mitigation will be determined based on negotiations with CDFW.

Tidal Wetlands: Mitigation for up to 9 acres of tidal wetland impacts will be covered by the Island Ponds Mitigation site installed under SMP-1. Although activities in SMP-1 resulted in impacts to 21 acres of tidal wetlands (30 acres of impacts were projected prior to implementation of SMP-1), the Island Ponds Mitigation site included restoration of 30 acres of tidal wetlands. Thus, 9 acres of excess tidal habitat restoration is available as mitigation for SMP-2.

LWD: A 4-tiered LWD management approach will be applied whereby site-specific LWD conditions are assessed for either (1) retaining the feature; (2) modifying the feature; (3) removing and replacing the feature; or (4) removing the feature. LWD mitigation will be required any time LWD is removed from an anadromous salmonid channel [Attachment E in the SMP Manual (Exhibit 2)].

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect are described in detail in the FSEIR, and include, but are not limited to, Central California coast steelhead, South-Central California coast steelhead, Central Valley fall-run Chinook salmon, State Threatened longfin smelt (*Spirinchus thaleichthys*), green sturgeon, California tiger salamander, saltmarsh harvest mouse (*Reithrodontomys raviventris*), saltmarsh wandering shrew (*Sorex vagrans halicoetes*), Federally Endangered and State Endangered and Fully Protected California clapper rail (*Longirostris obsoletus*), least Bell's vireo (*Vireo bellii pusillus*), Federally Threatened and State Species of Special Concern California red-legged frog (*Rana aurora draytonii*), State Species of Special Concern Pacific pond turtle (*Actinemys marmorata*), Federally Threatened and State Species of Special Concern western snowy plover (*Charadrius alexandrinus nivosus*), western burrowing owl, yellow warbler, State Species of Special Concern Alameda song sparrow (*Melospiza melodia pusillula*), pallid bat, State Species of Special Concern western red bat (*Lasiurus blossevillii*), Federally Endangered and State Threatened San Joaquin kit fox (*Vulpes macrotis mutica*), and State Species of Special Concern San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*). Impacts to these species were determined to be less than significant in the FSEIR with implementation of Best Management Practices (BMPs) and mitigation.

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

I. Impacts to bed, channel, or bank; effects on habitat structure

1. Permanent or temporary loss of natural bed or bank
2. Change in contour of bed, channel or bank
3. Change in gradient of bed, channel or bank
4. Accelerated channel scour
5. Temporary loss of bank stability during construction
6. Increase of bank erosion during construction
7. Change in composition of channel materials
8. Soil compaction or other disturbance
9. Restriction or increase in sediment transport
10. Exposure of concrete sills on structures

II. Impacts to water quality

1. Increase in turbidity
2. Chronic and stochastic increases of sedimentation to streams
3. Increase in pH
4. Increase in water temperature
5. Reduction in dissolved oxygen (DO)
6. Release of contaminants

III. Impacts to bed, channel, or bank; more direct effects on fish, wildlife, and their habitat

1. Permanent loss or decline of riparian and/or emergent marsh habitat
2. Colonization by exotic plant or animal species
3. Creation of predatory fish habitat
4. Permanent loss or decline of instream channel habitat
5. Permanent loss of or decline instream woody material
6. Permanent loss or decline of natural bed substrate
7. Direct take of fish and other aquatic species, including redds
8. Direct impacts from sediment removal on benthic organisms
9. Disruption to nesting birds and other wildlife
10. Direct take of nesting birds and other wildlife
11. Permanent loss of or decline of aquatic species' habitat: migration corridors, spawning or rearing areas
11. Permanent loss of wildlife connectivity to water source
12. Temporary loss or impediment of terrestrial animal species travel routes due to staging of materials and equipment and stockpiling of materials
13. Permanent reduction in shading or insulation leading to vegetative change
14. Long-term impacts of hardened bank structure failure

IV. Impacts to natural flow: effects on habitat structure and process

1. Changes in stream flow (Q)
2. Diversion of flow water from stream activity site or around activity site
3. Temporary dryback
4. Change in flow depth, width or velocity
5. Flow deflection
6. Loss of pools or riffles
7. Change in percolation
8. Change in fluvial geomorphology
9. Cumulative effect when other diversions on the same watercourse are considered

V. Impacts to natural flow: direct effects on fish and wildlife and their habitat

1. Direct take of aquatic species from pumps
2. Impediment to migration of aquatic and terrestrial species
3. Direct (seasonal) loss of resources for aquatic organisms
4. Entrapment in isolated pools due to loss of water surface elevation

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement and any extensions and amendments to the Agreement, readily available at the project site at all times. Such documents shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement, to all supervisory staff who will be directing activities authorized by this Agreement at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Permittee's Right to Enter. To the extent that any provisions of this Agreement provide for activities that require the Permittee to traverse another owner's property, such provisions are agreed to with the understanding that the Permittee possesses the legal right to so traverse. In the absence of such right, any such provision is void.
- 1.6 Activities Covered Under Agreement. Only those activities specifically identified in the project description above may be conducted under this Agreement.

- 1.7 Activities Requiring Additional Notification. The Permittee may be required to submit separate written notification for a separate Agreement pursuant to Section 1602 of the California FGC, together with the required fee prescribed in the current CDFW's Streambed Alteration Agreement fee schedule, and otherwise follow the normal notification process prior to the commencement of work activities in cases where:
- a. The proposed work does not meet the criteria established for routine maintenance in the project description above or in the SMP Manual,
 - b. The proposed work was not included in the annual Notice of Proposed Work (due by April 15 of each year) or if necessary, included in a second submittal of additional proposed projects (due by August 1 of each year),
 - c. The nature of proposed work is substantially modified from that described in the annual Notice of Proposed Work and in this Agreement. Minor modifications may be submitted via email to the CDFW Environmental Scientist for approval on a project by project basis,
 - d. Work is proposed at a location where CDFW advises the Permittee that conditions affecting fish and/or wildlife resources on the site have substantially changed or such resources would be adversely affected by the proposed activity.
- 1.8 Unauthorized Take. This Agreement does not authorize the take, including incidental take, of any State or federally listed threatened or endangered species, or of species that are otherwise protected under FGC. Permittee may be required, as prescribed in the California and U.S. Endangered Species Acts, to obtain take coverage for State and federally listed species prior to commencement of the project. Any unauthorized take of listed species may result in prosecution and nullification of this Agreement.
- 1.9 Non Transferable. This Agreement is not transferable to subsequent owners of the project property. This Agreement shall pertain to the Permittee's SMP-2 maintenance activities only. The Permittee shall not perform stream maintenance activities within jurisdiction of Section 1602 of the California FGC on behalf of other entities or agencies under this Agreement.
- 1.10 Violations. Any violations of the terms of this Agreement may result in the project being stopped, a citation being issued, or charges

being filed with the District Attorney. Contractors and subcontractors may also be liable for violating the conditions of this Agreement.

2. Avoidance and Minimization Measures

- 2.1 Best Management Practices. All BMPs in Exhibit 9 of this Agreement, and updated in the annual Lessons Learned process shall be followed, unless otherwise conditioned herein. Any updates to the BMPs resulting from the annual Lessons Learned process shall be submitted to CDFW for review and approval in writing or via email prior to their implementation.
- 2.2 Work Windows. All work windows for completing the work subject to this Agreement shall be as described in the SMP Manual (Exhibit 2) and attached in Exhibits 4-6.
- 2.3 Project and Program Limits. Permittee shall comply with the specified program and project limits for each work activity as described in Chapters 3-8 of the SMP Manual (Exhibit 2) and specified below.

2.3.1 Vegetation Management

- 2.3.1.1 New pruning (outside overhanging growth work areas for SMP-1) that exceed 0.1 acres:

10-Year Program Limit: 40 acres

Annual Limit: 20% of 10-Year Program Limit

Per Project Limit: No more than 20% canopy removal within any reach.

Other: Tree removal that is determined to be needed based on MGs or triggers may exceed the Annual and 10-Year Program Limits and shall be subject to CDFW approval.

- 2.3.1.2 Coppicing shall be limited to no more than 20% canopy removal within any reach.

- 2.3.1.3 Removal of native and non-native trees 6-12 inches dbh:

10-Year Program Limit: 2,000 live trees

Annual Limit: 20% of 10-Year Program Limit

Per Project Limit: No more than 20% canopy removal within any reach.

- 2.3.1.4 Removal of trees less than 6 inches dbh shall be limited as determined by MGs and the interim process described in Chapter 3.2 of the SMP Manual (Exhibit

2).

2.3.1.5 LWD Removal in Tier 4 within anadromous salmonid channels:

Per Project Limit: None

Other: No limits on LWD removal within bridge and culvert zones. No limits on LWD removal which is cut and left in place due to ecological values provided.

2.3.1.6 Annual and 10-Year Program limits of in-channel and non-in-channel herbicide use shall be based on gallons/pounds/ounces of product and summarized in Exhibits 10 and 11, respectively. The Per Project Limit shall correspond to label restrictions per application, using units per acre based on size of maintenance activity.

2.3.1.7 There shall be no limits for mowing, flaming, or grazing activities.

2.3.2 Sediment Removal

2.3.2.1 For channels classified as modified, sediment removal shall not exceed 5,000 linear feet for individual projects.

2.3.2.2 For channels classified as modified with ecological value or unmodified, sediment removal shall not exceed 300 linear feet for individual projects.

2.3.2.3 When a sediment removal project involves a combination of modified, and modified with ecological value channel types, then the individual sediment removal project limits (5,000 linear feet and 300 linear feet for modified and modified with ecological value, respectively) shall be applied to the combined sections of the project with those channel type designations.

2.3.2.4 Sediment removal from channels designated as unmodified and modified with ecological value shall be associated with (sediment removal reach is located within 100 feet or less) a facility or man-made structure (i.e., bridge, outfall, gauge, grade control structure, etc.). To exceed the Per Project limit for sediment removal or the requirements for association with a facility or man-made structure, Permittee shall

submit a waiver request to CDFW for review and approval, as described in Chapter 5.4 of the SMP Manual (Exhibit 2).

2.3.2.5 There shall be no limit to the number of sediment removal projects that may occur in a single year.

2.3.2.6 A separation of a minimum of 500 feet shall be required between sediment removal work sites to ensure independent utility.

2.3.3 Bank Stabilization

2.3.3.1 Soft methods shall not exceed 500 linear feet per project.

2.3.3.2 Hard and hybrid methods shall not exceed 300 linear feet per project.

2.3.3.3 All methods shall not exceed 0.5 acres below the ordinary high water mark per project.

2.3.3.4 Bank stabilization shall be limited to one (1) linear mile of channel per year.

2.3.3.5 Hard methods (not including hybrid methods) shall not exceed 20% of the linear footage of total bank stabilization projects in a given year.

2.3.4 Management of Animal Conflicts

2.3.4.1 Annual, five, and 10-Year Program limits for rodenticide use shall be based on pounds of product and summarized in Exhibit 12. The Per Project Limit shall correspond to label restrictions per application, using units (gallons/pounds/ounces) per acre based on the size of maintenance activity.

2.3.5 Minor Maintenance

5-Year Program Limit: 2 acres of wetland and riparian vegetation impact

10-Year Program Limit: 4 acres of wetland and riparian vegetation impact

Annual Limit: 0.4 acres of wetland and riparian vegetation impact

Per Project Limit: 0.08 acres (3,485 square feet) of wetland and riparian vegetation impact

- 2.4 CDFW-Approved Qualified Biologist(s) and Monitor(s). Permittee shall submit to CDFW for written approval, the names and resumes of all qualified biologists and biological monitors involved in conducting surveys and/or monitoring work.

A qualified biologist is an individual who shall have a minimum of five years of academic training and professional experience in biological sciences and related resource management activities with professional training or demonstrable experience with the special-status species for which surveys are required.

A biological monitor is an individual who shall have academic and professional experience in biological sciences and related resource management activities as it pertains to this project, experience with construction-level biological monitoring, be able to recognize species that may be present within the project area, and be familiar with the habits and behavior of those species.

- 2.5 California tiger salamander. Upon finalization of the ITP by CDFW for California tiger salamander, this Agreement shall be amended to incorporate the ITP as an attachment. No take, as defined under FGC Section 86 as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill", shall be authorized at any time prior to issuance of the ITP.
- 2.6 Nesting Birds. To avoid impacts to nesting birds, Permittee shall follow BMP GEN-6 in Exhibit 9.
- 2.7 Least Bell's Vireo. To avoid impacts to least Bell's vireo, Permittee shall follow BMP GEN-6.5 in Exhibit 9.
- 2.8 Salt Marsh Harvest Mouse and California Clapper Rail. No handling of the Fully Protected salt marsh harvest mouse (SMHM) (FGC Section 4700) or the Fully Protected California clapper rail (CCR) (FGC Section 3511) shall be permitted at any time. In addition to the BMPs (GEN-8, GEN-11, and ANI-2) addressing SMHM and CCR described in Exhibit 9 of this Agreement, the Permittee shall implement the following:
- 2.8.1 Permittee shall provide a qualified biologist as described in Measure 2.4 to conduct the pre-activity surveys described in BMP GEN-11 (Exhibit 9) and to be present during maintenance activities in specific habitat areas for these

species. For the purpose of this Agreement, specific habitat areas for SMHM and CCR include areas vegetated with cordgrass (*Spartina* spp.), marsh gumplant (*Grindelia* spp.), pickleweed (*Sarcocornia pacifica*), alkali heath (*Frankenia* sp.), and other high marsh vegetation; brackish marsh reaches of creek with heavy accumulations of old stands of bulrush thatch; and mudflats associated with these vegetated channels.

2.8.2 The qualified biologist shall conduct an orientation program for all persons, including Permittee staff, its contractors, and agents who will work in SMHM and CCR specific habitat areas. The program shall consist of a brief presentation about the biology of the SMHM and CCR, including morphology and habitat needs of these species, and their status under the California Endangered Species Act and the Fish and Game Code. This measure does not pertain to individuals working strictly on roadways in the vicinity of the specific habitat areas.

2.8.3 Permittee shall report any detection of SMHM or CCR within the maintenance activity site to Tami Schane, Environmental Scientist, at (415) 831-4640, within 30 minutes of discovery.

2.9 San Francisco Dusky-Footed Woodrat. Any proposal for San Francisco dusky-footed woodrat nest removal, relocation, or construction of artificial nests (as described in BMP GEN-14 in Exhibit 9 of this Agreement) shall be reviewed and approved in writing by CDFW.

2.10 Bats. Permittee shall develop a project-specific impact assessment and proposed mitigation plan for any maintenance activities that may impact pallid or western red bat colonies and submit to CDFW within a minimum of 14 days of project implementation for review and written approval.

2.11 Burrowing Owl. In addition to the BMPs (GEN-7 and ANI-3) addressing burrowing owl, described in Exhibit 9 of this Agreement, the Permittee shall implement the following:

2.11.1 Permittee shall identify locations of known nesting burrowing owls by updating the SCVWD's database of burrowing owl occurrences on a regular basis and through the use of the California Natural Diversity Data Base, local experts, and the Santa Clara County Habitat Agency.

2.11.2 For each SMP project, Permittee shall determine whether the

project site and surrounding work area are located in grassland or bare ground habitat.

- 2.11.3 If an SMP project is located in grassland or bare ground habitat, Permittee shall survey the surrounding work area and associated grassland habitat to identify any nest sites and/or any burrowing owl foraging habitat. The VHP Western Burrowing Owl Conservation Strategy (Strategy) assumes a burrowing owl breeding site requires a minimum of 140 acres of foraging habitat that is located within 0.5 mile of a nest site.
- 2.11.4 If there are nests on the SMP project site, or if there are nests dependent on the grasslands on the project site, Permittee shall conduct an impact analysis to determine whether there will be any permanent impacts (permanent impacts under the Strategy are defined as those impacts where the site cannot be restored to pre-project conditions within one year) to burrowing owl nests or associated foraging habitat.
- 2.11.5 If there are burrowing owl nests within 250 feet of project activities, Permittee shall implement the following measures:
- The SCVWD shall establish a 250-foot radius, no work buffer zone (BMP GEN-7 in Exhibit 9) around occupied burrowing owl burrows. Buffers may be modified, with CDFW approval, by a qualified biologist based on location of paved roads, intervening riparian corridors, and levees. No construction work shall occur within the buffer zones except as described in GEN-7.
 - No rodenticide or fumigant use shall occur within 656 yards of known occupied burrowing owl locations (BMP ANI-3 in Exhibit 9).
- 2.11.6 No take of burrowing owls shall be permitted at any time.
- 2.11.7 For permanent impacts to burrowing owl nests or to burrowing owl foraging habitat that cannot be avoided, the SCVWD shall provide burrowing owl conservation fees to the Valley Habitat Agency.
- 2.12 Dead or Injured Listed Species. Any dead or injured threatened, endangered (federal or state) or fully protected animal shall be reported by telephone to Tami Schane, Environmental Scientist at (415) 831-4640 within 30 minutes of discovery. A written report detailing the time, location, and general circumstances under which a

dead or injured individual listed species was found shall be submitted to CDFW no later than five business days following the incident.

2.13 Dewatering. Permittee shall implement BMPs GEN-33 and GEN-34 in Exhibit 9 any time dewatering is necessary for sediment removal or bank stabilization activities in non-tidal and tidal project sites, respectively.

2.14 Stranded Aquatic Life. Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all native fish observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets, electrofishing, and by hand. Captured native fish shall be released immediately in the closest body of water adjacent to the work site.

For any species listed under the California Endangered Species Act or Federal Endangered Species Act, only a qualified biologist with the necessary permits issued by CDFW and/or National Marine Fisheries Service can supervise the relocation of listed species. Handling of said listed species shall be restricted solely to a qualified biologist with the necessary permits issued by CDFW and/or National Marine Fisheries Service. The Permittee shall contact CDFW no less than 24 hours and no greater than 72 hours of relocation activities.

In the event that the Permittee intends to dispatch non-native fish species, Permittee shall coordinate with CDFW fisheries staff to apply for applicable permits such as a permit to destroy nuisance fish.

2.15 Concrete Use Near Waterways. Poured concrete and wet sacked concrete shall be excluded from the wetted channel for a period of at least 30 days after it is installed, as described in BMP BANK-2 in Exhibit 9. During that time the concrete shall be kept moist, and runoff from the concrete shall not be allowed to enter a live stream. Commercial sealants may be applied to the poured concrete surface where difficulty in excluding water flow for a long period may occur. If sealant is used, water shall be excluded from the site until the sealant is dry.

2.16 Vehicles and Equipment. Vehicle and equipment maintenance, cleaning, and refueling shall be conducted as described in BMPs GEN-30, GEN-31, and GEN-32 in Exhibit 9 in order to prevent leaks or discharge of any fluids, including fuel, oil, grease, decant water, and other contaminants to stream channels.

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 Permittee shall implement mitigation for impacts resulting from sediment removal, vegetation management, and bank stabilization activities according to the ratios provided in Exhibits 13 and 14. Details of the rationale and how the ratios are to be used are in Chapter 10.5 of the SMP Manual (Exhibit 2).
- 3.2 IPMP success criteria shall be developed for each site and/or for each individual target species, as described in the IPMP [Attachment D of the SMP Manual (Exhibit 2)].
- 3.3 Performance and success criteria for upland areas (defined for SMP-2 as areas above the normal reaches of stream or rivers and characterized by non-wetland vegetation) under the Riparian Planting Program shall be as described in Exhibit 15.
- 3.4 Performance and success criteria for riparian areas (defined for SMP-2 as the area located along the edge of a channel, generally on the floodplain, characterized by access to and influence of the channel, but not in it) under the Riparian Planting Program shall be as described in Exhibit 16.
- 3.5 Performance and success criteria for upland areas (defined for SMP-2 as areas above the normal reaches of stream or rivers and characterized by non-wetland vegetation) under Tree and Shrub Replacement shall be as described in Exhibit 17.
- 3.6 Performance and success criteria for riparian areas (defined for SMP-2 as the area located along the edge of a channel, generally on the floodplain, characterized by access to and influence of the channel, but not in it) under Tree and Shrub Replacement shall be as described in Exhibit 18.
- 3.1 LWD in anadromous salmonid channels assessed as Tier 4 [Attachment E of the SMP Manual (Exhibit 2)] shall be replaced at a ratio of 1:1 based on the volume of the LWD removed.

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1 Notice of Proposed Work. By April 15 of each year, the Permittee shall submit to CDFW for review and written approval the annual Notice of Proposed Work (NPW) for the upcoming work seasons' SMP-2 activities. At the Permittee's discretion, a second submittal of additional high priority projects may be provided no later than August 1 of each year for additional project review and authorization. Reporting requirements for the NPW shall be as described in Chapter 12 of the SMP Manual (Exhibit 2).
- 4.2 Lessons Learned. By February or March of each year, the Permittee may meet with resource agency staff, including CDFW, to discuss the performance of SMP-2, lessons learned from the previous construction season, and to discuss proposed revisions to BMPs.
- 4.3 Annual Summary Report. By January 31 of each year, the Permittee shall submit to CDFW an Annual Summary Report (ASR) for SMP-2 activities performed during the previous work season. Reporting requirements for the ASR shall be as described in Chapter 12 of the SMP Manual (Exhibit 2).
- 4.4 Annual List of Projects and Fee Submittal. By January 31 of each year, the Permittee shall submit to CDFW a list of all SMP-2 projects located within Section 1602 of the California FGC that were completed within the preceding year. The list shall be included with the fees submitted to CDFW for each maintenance project conducted in the prior calendar year. The fees submitted shall be in accordance with the current fee schedule provided at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=75421&inline=1>. CDFW may terminate this Agreement immediately if late lists are not submitted within 30 days of a written request from CDFW.
- 4.5 Mitigation Monitoring Report. As part of the ASR, the Permittee shall provide monitoring results of mitigation sites identified in the NPWs as described in Chapter 11 of the SMP Manual (Exhibit 2).

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing unless otherwise conditioned in the Measures above, 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:

Norma Camacho
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118
(408) 630-2084
ncamacho@valleywater.org

To CDFW:

Department of Fish and Game
Bay Delta Region
7329 Silverado Trail
Napa, California 94558
Attn: Lake and Streambed Alteration Program – Tami Schane
Notification #1600-2011-0336-R3
Fax (415) 831-460 (please call ahead to arrange fax time)
Tami.Schane@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 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.

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 FGC including, but not limited to, FGC sections 2050 et seq. (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 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 FGC section 1605(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 FGC 1605(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 FGC section 711.4 filing fee listed at http://www.CDFW.ca.gov/habcon/ceqa/ceqa_changes.html.

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 FGC section 1605(a)(2) requires.

EXHIBITS

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

Exhibit 1. Figure 1-1 Program Area

- Exhibit 2. 2014-2023 Stream Maintenance SMP Manual dated July 9, 2014 and SMP-2 Errata Sheet dated July 9, 2014
- Exhibit 3. Table 6-1 Bank Stabilization Methods
- Exhibit 4. Table 3-1 In-channel Work Window for Creeks Supporting Sensitive Species (creeks supporting anadromous salmonids, and in San Francisco Bay tidal areas, green sturgeon and longfin smelt)
- Exhibit 5. Table 3-2 In-channel Work Window for Creeks that Do Not Support Sensitive Species (creeks NOT supporting anadromous salmonids, and in San Francisco Bay tidal areas, green sturgeon and longfin smelt)
- Exhibit 6. Table 3-3 Non-in-channel Work Window
- Exhibit 7. Table 10-1 SMP-1 Mitigation Program Status
- Exhibit 8. Table 10-2 Summary of SMP-1 Freshwater Wetland Mitigation, Stream and Watershed Protection, and Red-Legged Frog Credit
- Exhibit 9. Attachment F Best Management Practices
- Exhibit 10. Table 4-1 In-Channel Herbicide Use Limits, 2014-2023
- Exhibit 11. Table 4-2 Non-In-Channel Herbicide Use Limits, 2014-2023
- Exhibit 12. Table 7-1 Rodenticide Use Limits, 2014-2023
- Exhibit 13. Table 10-5 Summary of Mitigation Components and Ratios by Channel Type for SMP-2 New Work Areas
- Exhibit 14. Table 10-6 Summary of Bank Stabilization Mitigation by Channel Type for SMP-2 New Work Areas
- Exhibit 15. Table 11-1 Performance and Success Criteria for Upland Areas (Riparian Planting)
- Exhibit 16. Table 11-2 Performance and Success Criteria for Riparian Areas (Riparian Planting)
- Exhibit 17. Table 11-4 Performance and Success Criteria for Upland Areas (Tree and Shrub)
- Exhibit 18. Table 11-5 Performance and Success Criteria for Riparian Areas (Tree and Shrub)

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

CONCURRENCE

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

FOR SANTA CLARA VALLEY WATER DISTRICT



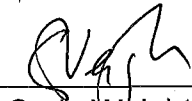
Norma Camacho

Chief Operating Officer Watersheds

9/16/14

Date

FOR DEPARTMENT OF FISH AND GAME



Craig Weightman

Environmental Program Manager

7/25/14

Date

Prepared by: Tami Schane
Environmental Scientist

Date Prepared and Submitted: May 7, 2014
Date Revised and Submitted: June 10, 2014
Date Revised and Submitted: August 12, 2014
Date Revised and Submitted: September 9, 2014

FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
9/19/11	\$2,689.50	\$		1600-2011-0336-3



OK # 186382
Santa Clara Valley
Water Dist

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

Schane
Jones



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	Ann Draper, Acting Chief Operating Officer Watersheds			Fish & Game SEP 19 2011 Yountville
Business/Agency	Santa Clara Valley Water District			
Street Address	5750 Almaden Expressway			
City, State, Zip	San Jose, CA 95118			
Telephone	(408) 265-2600	Fax	(408) 979-5657	
Email	adraper@valleywater.org			

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	various		
Street Address			
City, State, Zip			
Telephone		Fax	
Email			

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		Santa Clara Valley Water District Stream Maintenance Program Update 2012-2022		
B. Agreement Term Requested		<input type="checkbox"/> Regular (5 years or less) <input checked="" 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)	
2012	2022	01/01	12/31	

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, or E 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"/> DFG Fisheries Restoration Grant Program (FRGP) FRGP Contract Number: _____
G.	<input type="checkbox"/> Master
H.	<input type="checkbox"/> Master Timber Harvesting

6. FEES

Please see the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. **Note: The Department may not process this notification until the correct fee has been received.**

A. Project		B. Project Cost	C. Project Fee
1	10- year Stream Maintenance Program		
2			
3			
4			
5			
		D. Base Fee (if applicable)	\$2,689.50
		E. TOTAL FEE ENCLOSED	\$2,689.50

7. PRIOR NOTIFICATION OR ORDER

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?

☒ Yes (Provide the information below) ☐ No

Applicant: SCVWD Notification Number: 1600-2009-0361-R3 Date: 04/08/02

B. Is this notification being submitted in response to an order, notice, or other directive ("order") by a court or administrative agency (including the Department)?

☒ No ☐ Yes (Enclose a copy of the order, notice, or other directive. If the directive is not 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.)

☐ Continued on additional page(s)

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

8. PROJECT LOCATION

A. Address or description of project location. <i>(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)</i>				
<p>The Project Area includes the portions of Santa Clara County below the 1,000-foot elevation contour under jurisdiction of the SCVWD, as shown in Figure 2-1 of the DSEIR. The Project Area is divided into two major hydrologic basins (watersheds): the Santa Clara Basin drains to San Francisco Bay, and the Pajaro River Watershed drains to Monterey Bay. The Santa Clara Basin encompasses approximately 716 square miles. The Pajaro River Watershed includes about 1,300 square miles, of which only 370 square miles is within Santa Clara County. The Project Area consists of 315 named rivers, streams, channels, drains and ditches, and 7 canals. Figures 2-2 through 2-6 (Chapter 2 of the DSEIR) show the Project Area, including the Lower Peninsula, West Valley, Guadalupe, Coyote, and Pajaro watersheds.</p> <p>Municipalities within the Project Area include the cities of Campbell, Cupertino, Gilroy, Los Altos, Milpitas, Morgan Hill, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale, and the towns of Los Altos Hills and Los Gatos. SCVWD does not provide maintenance on private property where no easement exists, unless expressly authorized by the SCVWD Board of Directors.</p> <p style="text-align: center;">See also Chapter 2 of the DSEIR.</p> <p style="text-align: right;"><input type="checkbox"/> Continued on additional page(s)</p>				
B. River, stream, or lake affected by the project.		various- see above and Chapter 2 of the DSEIR		
C. What water body is the river, stream, or lake tributary to?		various- see above and Chapter 2 of the DSEIR		
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	Santa Clara County			
F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Varies				
<input checked="" 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)				
Varies annually				
<input type="checkbox"/> Continued on additional page(s)				
M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)				
Latitude/Longitude	Latitude: varies annually		Longitude: varies annually	
	<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		

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

9. PROJECT CATEGORY AND WORK TYPE *(Check each box that applies)*

PROJECT CATEGORY	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR/MAINTAIN EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input checked="" 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 type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Culvert	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion structure – weir or pump intake	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Filling of wetland, river, stream, or lake	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Geotechnical survey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Habitat enhancement – revegetation/mitigation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Levee	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Low water crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Road/trail	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sediment removal – pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Temporary stream crossing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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"/>
Other (specify): Various Mitigation Projects	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

10. PROJECT DESCRIPTION

A. Describe the project in detail. Photographs of the project location and immediate surrounding area should be included.

- Include any structures (e.g., rip-rap, culverts, or channel clearing) that will be placed, built, or completed in or near the stream, river, or lake.
- Specify the type and volume of materials that will be used.
- If water will be diverted or drafted, specify the purpose or use.

Enclose diagrams, drawings, plans, and/or maps that provide all of the following: site specific construction details; the dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; an overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, and where the equipment/machinery will enter and exit the project area.

The routine activities implemented under the Stream Maintenance Program are undertaken on SCVWD property and easements in streams, canals, levees, and adjacent property. The principal maintenance activities are:

Bank Stabilization. Bank stabilization consists of repairing stream banks that are eroding or are in need of preventative erosion protection. An average of one linear mile of stream banks may be repaired each year. 13 bank stabilization treatments (and variations) are used for bank repairs, and include hard, soft, and hybrid structures.

Sediment Removal. Estimated sediment removal activities include 43 miles of creeks and canals in the project area, with approximately 35.4 miles in the Santa Clara Basin and 7.4 miles in the Pajaro River Basin. Average annual removal volumes would range between 8,848 and 96,240 cubic yards removed from approximately 4 miles of stream per year. Figures included in the DSEIR (Figures 2-14 through 2-18 in Chapter 2) illustrate locations where sediment removal activities may occur for the primary watersheds of the project area.

Vegetation Management. Includes pruning, hand or mechanical removal, herbicide application, mowing, discing, flaming, and grazing to manage plant growth. Frequency of vegetation management varies from bi-annually to every few years. Figures included in the DSEIR (Figures 2-19 through 2-33 in Chapter 2) show locations where instream and non-instream vegetation management activities may occur for the primary watersheds of the project area.

Management of Animal Conflicts. This refers to the use of avoidance tactics, biological control, site alterations, habitat alteration, and lethal control to reduce conflicts between SCVWD facilities and local species.

Minor Maintenance Activities. Include a variety of maintenance activities that result in less than 0.05 acres of impact to riparian or wetland areas. Annually, less than 0.2 acres of wetland or riparian vegetation would be impacted by this activity. Greater details for these activities are included in the SMP Manual (Appendix A of the DSEIR)

☒ Continued on additional page(s)

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

Depending on the activity and site-specific conditions, a variety of equipment may be used to conduct maintenance. Specific techniques and details on equipment types are included in Chapter 2 of the DSEIR as well as in the SMP Manual (Appendix A of the DSEIR).

☒ 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

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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.

Impacts would vary by year and location. See DSEIR for details on potential impacts, timing of work activities, etc.

☐ Continued on additional page(s)

B. Will the project affect any vegetation?

☒ Yes (Complete the tables below) ☐ No

Vegetation Type	Temporary Impact	Permanent Impact
See DSEIR	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

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

☐ 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

See DSEIR and USFWS BA (dated July 2011), and NMFS BA/EFHA (dated July 2011)

☐ Continued on additional page(s)

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

See DSEIR and USFWS BA (dated July 2011), and NMFS BA/EFHA (dated July 2011)

☐ 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.

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.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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.

A Best Management Practices Table has been developed for the SMP which includes measures to prevent sediment from entering the watercourses during and after construction. This table is included in the DSEIR as Table 2-12. Specifically measures GEN-1, GEN-19, GEN-20, GEN-21, GEN-22, GEN-23, SED-1, SED-, SED-3, SED-4, BANK-1, and REVEG-1 would be implemented to prevent sediment from entering the watercourses during SMP activities.

☐ Continued on additional page(s)

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

A Best Management Practices Table has been developed for the SMP which includes measures to protect fish, wildlife, and plant resources in the project area. This table is included in the DSEIR as Table 2-12.

☐ Continued on additional page(s)

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

SMP mitigation measures are described in Appendix C of the DSEIR: 2012-2022 SMP Update Mitigation Approach Memorandum.

☐ 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. See Table 2-10 of DSEIR for Required Agency Approvals

☒ Applied ☐ Issued

B. _____

☐ Applied ☐ Issued☐ 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)

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

14. ENVIRONMENTAL REVIEW

A. Has a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA), National Environmental Protection Act (NEPA), California Endangered Species Act (CESA) and/or federal Endangered Species Act (ESA)?			
<input checked="" type="checkbox"/> Yes (Check the box for each CEQA, NEPA, CESA, and ESA document that has been prepared and enclose a copy of each) <input type="checkbox"/> No (Check the box for each CEQA, NEPA, CESA, and ESA document listed below that will be or is being prepared)			
<input type="checkbox"/> Notice of Exemption <input type="checkbox"/> Initial Study <input type="checkbox"/> Negative Declaration <input type="checkbox"/> THP/ NTMP	<input type="checkbox"/> Mitigated Negative Declaration <input checked="" type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Notice of Determination (Enclose) <input checked="" type="checkbox"/> Mitigation, Monitoring, Reporting Plan	<input type="checkbox"/> NEPA document (type): _____ <input type="checkbox"/> CESA document (type): _____ <input type="checkbox"/> ESA document (type): _____	
B. State Clearinghouse Number (if applicable)		2000102055	
C. Has a CEQA lead agency been determined?		<input checked="" type="checkbox"/> Yes (Complete boxes D, E, and F) <input type="checkbox"/> No (Skip to box 14.G)	
D. CEQA Lead Agency	Santa Clara Valley Water District		
E. Contact Person	Kristen O'Kane	F. Telephone Number	(408) 265-2600
G. If the project described in this notification is part of a larger project or plan, briefly describe that larger project or plan.			
N/A			
<input type="checkbox"/> Continued on additional page(s)			
H. Has an environmental filing fee (Fish and Game Code section 711.4) been paid?			
<input checked="" type="checkbox"/> Yes (Enclose proof of payment) <input type="checkbox"/> No (Briefly explain below the reason a filing fee has not been paid)			
<i>Note: If a filing fee is required, the Department may not finalize a Lake or Streambed Alteration Agreement until the filing fee is paid.</i>			

15. SITE INSPECTION

Check one box only.
<input checked="" type="checkbox"/> 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.
<input type="checkbox"/> 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.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

16. DIGITAL FORMAT

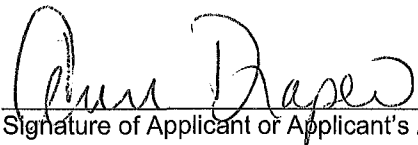
Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

☒ 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

9/14/11

Date

Ann Draper, Acting Chief Operating Officer Watersheds

Print Name

NOTICE OF DETERMINATION

TO: Office of Planning and Research
Post Office Box 3044
Sacramento, California 95812-3044

FROM: California Department of Fish and Wildlife
Bay Delta Region
7329 Silverado Trail
Napa, California 94558

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the
Public Resources Code

PROJECT TITLE: Santa Clara Valley Water District Stream Maintenance Program Update 2014-2023

STATE CLEARINGHOUSE NUMBER: 2000102055

LEAD AGENCY: Santa Clara Valley Water District
CONTACT: Kristen O'Kane (408) 265-2607 ext. 2692

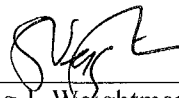
RESPONSIBLE AGENCY: California Department of Fish and Wildlife
CONTACT: Tami Schane, Environmental Scientist, (415) 831-4640

PROJECT DESCRIPTION / LOCATION: The Santa Clara Valley Water District's Stream Maintenance Program is an ongoing program to address routine maintenance activities in Santa Clara County streams, creeks, and flood control channels. Routine maintenance activities include sediment removal, vegetation management, bank stabilization, minor maintenance, and management of animal conflicts. Municipalities within the project area include the cities of Campbell, Cupertino, Gilroy, Los Altos, Milpitas, Morgan Hill, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale, and the towns of Los Altos Hills and Los Gatos. The California Department of Fish and Wildlife is executing a Lake and Streambed Alteration Agreement Number 1600-2011-0336-R3 pursuant to Section 1602 of the Fish and Game Code to the project Applicant, Norma Camacho, Santa Clara Valley Water District.

This is to advise that the California Department of Fish and Wildlife as a Responsible Agency approved the project described above on September 25, 2014 and has made the following determinations regarding the above described project pursuant to section 15096 (i).

1. The project **will not** have a significant effect on the environment.
2. An EIR was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures **were** made a condition of the approval of the project.
4. A Statement of Overriding Considerations **was not** adopted for this project.
5. Findings **were not** made pursuant to the provisions of CEQA.

This is to certify that a copy of the EIR prepared for this project is available to the general public and may be reviewed at: <http://www.dot.ca.gov/dist4/envdocs.htm>



Craig J. Weightman
Environmental Program Manager
Bay Delta Region

Date Received for Filing: _____