



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



April 8, 2021

Elke Rank
Zone 7 of Alameda County Flood Control and Water Conservation District
100 North Canyons Parkway
Livermore, CA 94551
erank@zone7water.com

Dear Ms. Rank:

Final Lake or Streambed Alteration Agreement, Notification No. 1600-2021-0001-R3, Zone 7 of Alameda County Flood Control and Water Conservation District Routine Maintenance Agreement

Enclosed is the final Streambed Alteration Agreement (Agreement) for the Zone 7 Routine Maintenance Agreement (Project). Before the California Department of Fish and Wildlife (CDFW) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, CDFW determined your Project is exempt from CEQA and filed a Notice of Exemption (NOE) on the same date it signed the Agreement.

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

If you have any questions regarding this letter, please contact Marcia Grefsrud, Environmental Scientist at (707) 644-2812 or by email at Marcia.grefsrud@wildlife.ca.gov

Sincerely,

DocuSigned by:

Craig J Weightman

7988F6C4FDC24F2...

Craig J. Weightman, Environmental Program Manager

ec: California Department of Fish and Wildlife
Lieutenant Clint Garrett, Law Enforcement Division
Brenda Blinn, Senior Environmental Scientist (Supervisory)
Marcia Grefsrud, Environmental Scientist

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BAY DELTA REGION
2825 CORDELIA ROAD, SUITE 100
FAIRFIELD, CA 94534
(707) 428-2002



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2021-0001-R3
Arroyo de la Laguna and tributaries,
various others

ZONE 7 OF THE ALAMEDA COUNTY FLOOD CONTROL & WATER
CONSERVATION DISTRICT
ROUTINE MAINTENANCE AGREEMENT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Zone 7 of the Alameda County Flood Control & Water Conservation District (Permittee) as represented by Elke Rank.

RECITALS

WHEREAS, pursuant to Fish and Game Code section 1602, Permittee notified CDFW on December 22, 2020 that Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project is located at Arroyo de la Laguna and tributaries, in the County of Alameda, State of California. This Agreement covers areas described in Exhibit B within the Permittee Service Area within the boundaries of Alameda County.

PROJECT DESCRIPTION

The Zone 7 of Alameda County Flood Control and Water Conservation District (Permittee) proposes to conduct routine maintenance activities that are subject to Fish and Game Code Section 1602 in creeks and channels within Alameda County. Routine

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maintenance shall be defined as those periodically scheduled and implemented activities necessary to maintain the water transport capacity of streams and flood control channels and maintain the structural and functioning integrity of existing flood control and sediment detention structures on or affecting streams (see Exhibit A for list of authorized routine maintenance activities).

Maintenance activities as agreed to by both parties that may be considered "routine" are listed on Exhibit A and are hereby made a part of this 1602 Routine Maintenance Agreement (RMA). In brief summary, these activities include clearing of debris from existing culverts, minor vegetation removal, debris removal in streams sufficient to restore water flow, bank stabilization and erosion control using bio-engineered techniques, and removal of hazardous man-made structures from water bodies for public safety and habitat improvement. Routine maintenance does not include any new work other than described in Exhibit A. Routine maintenance does not include the removal of, or damage to, living riparian vegetation other than that specified in Exhibit A.

This 1602 RMA consists of the Agreement and Exhibit A, Exhibit B, and Exhibit C (map of the maintained Alameda County Flood Control and Water Conservation District Zones and Flood Control Channels).

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: California red-legged frogs, nesting birds, fish, reptiles, and/or amphibians.

The adverse effects the project could have on the fish or wildlife resources identified above include: death or injury due to crushing, nest disturbance, increased water temperature, increased turbidity, loss of habitat.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all

persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any reasonable time to verify compliance with the Agreement.
- 1.5 Authorized Activities. Only those activities specifically mentioned in Exhibit A to this Agreement may be conducted under this 1602 RMA.
- 1.6 Exceptions to Authorized Activities. The Permittee shall submit separate written notification pursuant to Code Section 1602 (Form FG 2023 and FG 2024), together with the required fee prescribed in the CDFW SAA fee schedule, and otherwise follow the normal notification process prior to the commencement of work activities in all cases where:
 - a. The proposed work does not meet the criteria established for routine maintenance in Exhibit A.
 - b. The nature of the proposed work is substantially modified from the work described in Exhibit A of this RMA.
 - c. Work will occur at a location where CDFW advises Permittee that conditions affecting fish and wildlife resources on the site have substantially changed or such resources would be adversely affected by the proposed maintenance activity.
 - d. The proposed work would adversely impact a State of California (State) or federally listed rare, threatened, endangered or candidate species or its habitat.
- 1.7 Annual notification. Permittee shall provide to CDFW Bay Delta Region written notification of proposed routine maintenance activities by May 1 of each year and shall describe each by location, length and width of the impact area. Additional work may be submitted upon discovery using the conditions above. Each annual notification of proposed maintenance work shall be added to this 1602 RMA as Attachment C-year (C-2011, C-2012) by CDFW.

- 1.8 CDFW Review. CDFW may review in the field any maintenance work submitted and or may require that additional conditions be applied to specific activities and amended into this 1602 RMA with the agreement of both parties.
- 1.9 Semiannual Reports, Completed Projects. Permittee shall provide CDFW Bay Delta Region written notification of maintenance projects completed semiannually. Semiannual reports shall include the project identification (creek name), a brief project description, and the appropriate fee determined from the CDFW Streambed Alteration Agreement Fee Schedule for work completed under the RMA based upon the number of projects completed in the reporting period. Reports are due within 45 days of the semiannual due dates (July 1, and January 2,). CDFW may terminate this agreement if late reports and fees are not submitted within 30 days of a written request from CDFW.
- 1.10 Training. Prior to starting any activities within the stream bed or bank, all employees, contractors, and visitors who will be present during project activities shall receive training from a qualified biologist on the contents of this Agreement, the resources at stake, and the legal consequences of non-compliance. Interpretation shall be provided for non-English speaking employees, contractors, or personnel otherwise working on the project site prior to their performing work on-site. Upon completion of the education program, employees, contractors, or personnel otherwise working on the project sites shall sign a form stating they attended the program and understand all protection measures. These forms shall be filed at the worksite offices and be available to CDFW upon request.

2. Avoidance and Minimization Measures

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

- 2.1 Seasonal Work. Work within creeks with natural (earthen) bottoms and/or banks shall be performed only between May 1 and October 15 to minimize adverse impacts to fish and wildlife resources and their habitats. Work within concrete lined channels may be conducted only between April 15 and October 15. If a maintenance phase may cause the introduction of sediments into the stream, no phase of the project shall be started in May or in October of any year, unless all work for that phase and all associated erosion control measures are completed prior to the onset of precipitation. If a maintenance phase may cause the introduction of sediments into the stream, no phase of the project shall be started unless all equipment and materials are removed from the channel at least 12 hours prior to the onset of precipitation and all associated erosion control measures are in place prior to the onset of precipitation. Debris removal that is required to be done immediately to prevent flooding may be done at any time.

- 2.2 Work Period Restrictions. The work period for completing the work within the stream zone shall be restricted to periods of low or no stream flow and dry weather. Excavation for and placement of fill shall not begin unless a no precipitation forecast is obtained covering the entire construction phase (within the area covered in this Agreement) and the time necessary to implement erosion control measures. This forecast shall be documented upon request by the CDFW.
- 2.3 Construction Work Hours. No project activity will be initiated until thirty (30) minutes after sunrise and all project activity will cease thirty (30) minutes prior to sunset.
- 2.4 Flag Perimeter. The perimeter of the work site shall be adequately flagged to prevent damage to adjacent riparian and sensitive habitat.
- 2.5 Storage of Material. Debris soil, silt, bark, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, shall not be stored where it could be washed back into the channel or where it will cover aquatic or riparian vegetation. Equipment shall be stored in areas that any possible contamination from the equipment would not flow or be washed back into the channel. All debris shall be disposed of properly. Best Management Practices (BMPs) shall be employed to accomplish these requirements.
- 2.6 Litter. The Permittee or its contractors shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be removed from the work site daily and properly disposed of at an appropriate disposal site.
- 2.7 Use of Riprap. Any installation of riprap for bank repair, except for in-kind replacement, shall be considered additional hardscape. To minimize impacts for loss of habitat Zone 7 shall plant trees, shrubs, or other vegetation within the rock rip rap or shall revegetate at an off-site location at a 3:1 ratio.

Wildlife and Plants

- 2.8 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 a minimum of two years conducting surveys for each species that may be present within the project area.

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.

- 2.9 Wildlife and Plant Surveys. No more than seven (7) days prior to the start of ground- or vegetation-disturbing project activities, the Permittee shall have a qualified biologist survey the proposed work area to verify the presence or absence of wildlife and plants. The results of these surveys shall be provided to CDFW, along with copies of all field notes, no more than five (5) days prior to the initiation of work. The Permittee shall have a qualified biologist on-site **full-time** daily **during project activities** to ensure no impacts occur to any wildlife or special status plants. If State listed plants or wildlife species are found within the proposed construction area, work shall not commence until Permittee consults with CDFW and obtains authorization and any necessary permits to start construction. **The qualified biologist shall notify the CDFW Representative immediately if the project is out of compliance with any measures in this Agreement.**
- 2.10 Qualified Biologist. Only a qualified biologist, with all necessary State and Federal permits, may relocate wildlife within the work site prior to dewatering. Captured fish and wildlife shall be moved to the nearest appropriate site on the stream. This measure does not allow for the take or disturbance of any State or federally listed species, or State Species of Special Concern. A record shall be maintained of all fish/amphibians captured and moved, and the record shall be provided to the CDFW (c/o1600 program, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534 with appropriate Streambed Alteration Notification number.
- 2.11 Nesting Birds. The Permittee is responsible for ensuring that the project does not result in any violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes. If work will occur during nesting bird season (February 1 through August 31) no more than thirty (30) days prior to work commencing, including staging, clearing and grubbing, the CDFW-approved qualified biologist shall survey a sufficient area around the work site to identify any nests that are present and determine their status. Once construction work begins, the survey effort shall continue to ensure any nest starts established after the work commences are identified. 'Sufficient' in the context of this condition means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. Identified active nests should be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline of the adults and any nestlings. Once work commences, all active nests should be continuously monitored by the qualified biologist to detect any signs of disturbance and behavioral changes as a result of the project. If signs of disturbance and behavioral changes are observed, the biologist shall cease work causing that change and shall contact the CDFW representative for guidance.

- 2.12 Raptor Nests. A biological monitor, experienced in raptor behavior and approved by CDFW, shall be assigned to monitor the behavior of any raptors nesting within disturbance distance of the project activities. Even within species, disturbance distances can vary according to time of year or geographical location. The biological monitor shall have authority to order the cessation of all project activities within disturbance distance of any raptor nest if the birds exhibit abnormal nesting behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to: defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, interrupted feeding patterns, and flying away from the nest. Project activities within line of sight of the nest shall not resume until the biological monitor has consulted with CDFW and both the biological monitor and CDFW confirm that the bird's behavior has normalized or the young have left the nest.
- 2.13 Vegetation Removal. Disturbance or removal of vegetation shall be kept to the minimum necessary to complete project related activities. Vegetation marked for protection may only be trimmed with hand tools to the extent necessary to gain access to the work sites. Precautions shall be taken to avoid other damage to vegetation by people or equipment. Branches and/or limbs overhanging the channel and impacting water flows shall be properly pruned. No trees shall be removed except trees over 6- inches diameter at breast height (dbh) may be removed only if they are blocking flow or restricting the capacity of the channel. Any trees which must be cut are to be cut at ground level and the root mass left in place to maintain bank stability. Any trees removed shall be replaced at a 3:1 ratio using local native species of trees
- 2.14 Herbicide Use. Permittee shall use caution to apply the least practicable amount of herbicide necessary to effectively control nuisance plants.
- 2.14.1 Permittee shall use Milestone, rather than Weedestroy (or other 2,4,D product) wherever and whenever possible. Weedestroy is not to be applied within 10 feet of open water.
- 2.14.2 Permittee shall use the least concentrated formulation of herbicide possible and practicable to accomplish his/her task.
- 2.14.3 Permittee shall use extreme caution to not to apply any chemical, including herbicides, directly to water. Herbicide shall not be sprayed during days where wind can carry the overspray to the stream or to mitigation areas.
- 2.14.4 Where application must be next to water, Permittee shall re-double efforts to see that chemical does not accidentally flow into or stream through the air into the water.
- 2.14.5 Any fish or animal kills, should they occur, following application shall be

reported to CDFW immediately.

2.14.6 In general, since toxicological information on various products under all conditions cannot be known, CDFW discourages the use of herbicide application near open water wherever and whenever possible.

2.14.7 Regardless of the contents of this Agreement, the Permittee is responsible for any environmental damage caused by the application or use of substances that prove harmful to fish and aquatic wildlife.

2.15 Revegetate Exposed Areas. All exposed/disturbed areas and access points within the stream zone left barren of vegetation as a result of the maintenance activities shall be restored by seeding with a blend native and non-native erosion control grass seeds. Nonnative grass species shall not exceed 25% of the total seed mix by count. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Seeded areas shall be mulched. All other areas of disturbed soil which drain toward the stream channel shall be seeded with erosion control grass seeds. Seeding shall be completed between October 1 and November 15 the same year as the maintenance activity. Seeding placed after October 15 must be covered with broadcast straw, jute netting, coconut fiber blanket or similar erosion control blanket. Areas left barren prior to October 1 shall be covered with jute netting, coconut fiber blanket, or similar erosion control blanket.

Water Diversion

2.16 No Work in Flowing Stream. No equipment shall be operated in a flowing stream at any time except as may be necessary to construct a dewatering system or divert water flow around the work site for fish passage or dewatering of the work area. The coffer dams may be constructed with clean river gravel or sandbags and may be sealed with sheet plastic. Sandbags and any sheet plastic shall be removed from the stream upon project completion. Clean river gravel may be left in the stream, but the coffer dams must be breached to return the stream flow to its natural channel. The water diversion shall be constructed with the least amount of disruption to the channel. Cofferdam and other water diversion designs and Best Management Practices (BMP's) shall be submitted to CDFW for approval prior to commencement of maintenance activities.

2.17 Stranded Aquatic Life. The 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 stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest body of water adjacent to the work site. This condition does not allow for the take or disturbance of any state or federally listed species, or state listed species of special concern.

2.18 Flow Diversions. Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and which shall provide flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion. Normal flow shall be restored to the affected stream immediately upon completion of work at that location.

Erosion and Sediment Control

- 2.19 Silt Control Measures. Silt control measures shall be utilized throughout all phases of the project where silt and/or earthen fill threaten to enter Waters of the State. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed. Build-up of soil behind the fence shall be removed promptly and any breaches or undermined areas repaired at once.
- 2.20 Erosion Control. All exposed/disturbed areas within the project site shall be stabilized to the greatest extent possible. Erosion control measures, such as silt fences, shall be used where ever silt laden water has the potential to leave the work site and enter State waters. Erosion control measures shall be monitored during and after each storm event. Modifications, repairs and improvements to erosion control measures shall be made whenever it is needed. Materials used for erosion control or to repair erosion control shall not pose a risk to fish or wildlife. Monofilament shall not be used.
- 2.21 Storm drain outfall. Storm drains lines/culverts shall be adequately sized to carry peak storm flows for the drainage to one outfall structure. The storm drain lines/culverts and the outfall structure shall be properly aligned within the stream and otherwise engineered, installed and maintained, to assure resistance to washout, and erosion of the stream bed, stream banks and/or fill. Water velocity shall be dissipated at the outfall, to reduce erosion.
- 2.22 Prohibition Against Use of Plastic Netting in Erosion Control Measures. Permittee shall not use temporary or permanent erosion control devices containing plastic netting, including photo- or bio-degradable plastic netting. Erosion control and landscaping specification shall only allow natural fiber for use in erosion control mats, blankets, and straw or fiber wattles.
- 2.23 Bank Stabilization. Permittee shall construct bank stabilization with suitable non-erodible materials that will withstand wash out. The bank stabilization material shall extend above the normal high-water mark. Only clean material that is free of trash,

debris and deleterious material shall be used as bank stabilization. Asphalt shall not be considered an acceptable material.

Equipment and Vehicles

- 2.24 Clean Equipment Use. Prior to operations, all heavy equipment and vehicles shall be cleaned of all external materials, which may be deleterious to aquatic life, wildlife, and riparian habitat (such as oil, grease, or hydraulic fluid). Cleaning shall not occur within a watercourse, stream channel or stream bank.
- 2.25 Storage and Stationary Equipment. Stationary equipment such as motors, pumps, generators, compressors and welders, located within adjacent to the stream, shall be positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak.
- 2.26 No Equipment Operated on Wet Bed of Creek. Equipment shall not be operated in wetted areas including but not limited to ponded, flowing, or wetland areas, except as may be necessary to construct coffer dams to divert stream flow and isolate the work site.

Hazardous Materials and Spills

- 2.27 Staging and Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the stream channel and banks, avoiding areas of concentrated ground squirrel burrows suitable for use by California tiger salamander or burrowing owls. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream shall be positioned over drip pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream must be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Vehicles must be moved away from the stream prior to refueling and lubrication.
- 2.28 Spoils Placement. Spoils shall be placed in a stable area above the ordinary high water mark avoiding areas of concentrated ground squirrel burrows suitable for use by burrowing owls or California tiger salamanders.
- 2.29 Concrete Work. Any and all concrete structures that may come in contact with channel flows (e.g., piers, abutments, wingwalls) shall be poured by September 31 unless authorized in writing by CDFW. Permittee shall notify CDFW by September 15 if in-stream concrete work is expected to extend beyond September 31. All

other concrete pouring twenty-five (25) feet above the top of the bank (e.g., bridge surfaces, upland structures) shall be completed by October 31.

- 2.30 Concrete – Primary Containment. The Permittee shall install the necessary containment structures to control the placement of wet concrete and to prevent it from entering into the channel outside of those structures. No concrete shall be poured within the high flow line if the 15 day weather forecast indicates any chance of rain.
- 2.31 Concrete – Designated Monitor. At all times when the Permittee is pouring or working with wet concrete there shall be a designated monitor to inspect the containment structures and ensure that no concrete or other debris enters into the channel outside of those structures.
- 2.32 Concrete. All concrete surfaces, which will be ultimately exposed to surface water flow shall be sufficiently cured (30-60 days) prior to inundation to avoid leaching of lime into the receiving water. Compliance with this condition shall be demonstrated when the pH of applied water on the surface of exposed concrete is 9.5 pH units or less.
- 2.33 Concrete Curing Compounds. To shorten the curing period, Permittee may use a non-toxic sealant designed for use in aquatic environments. Prior to use, Permittee shall submit the product material safety data sheet, including information about environmental toxicity, to CDFW for review and approval. If a sealant is to be applied, concrete structures shall be allowed to cure for at least seven (7) days prior to application and for an additional (three) 3 days following application of the sealant before flows are reintroduced. Concrete curing compounds shall not be used within twenty-five (25) feet of the stream without approval from CDFW and use of appropriate best management practices.
- 2.34 Wash Down Water. Wash-down water from concrete delivery trucks, concrete pumping equipment, and other tools and equipment shall not be allowed to enter the stream channel and should be removed from the site for treatment following work. No dry concrete shall be placed on the banks or in a location where it could be carried into the channel by wind or runoff.
- 2.35 Hazardous Materials. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, wildlife, or riparian habitat resulting from the project related activities shall be prevented from contaminating the soil and/or entering the waters of the State.
- 2.36 Litter. The Permittee or its contractors shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be removed from the work site daily and properly disposed of at an appropriate disposal site.

3. Restoration 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 Revegetate Exposed Areas. All exposed/disturbed areas and access points within the stream zone left barren of vegetation as a result of the maintenance activities shall be restored by seeding with a blend native and non-native erosion control grass seeds. Nonnative grass species shall not exceed 25% of the total seed mix by count. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Seeded areas shall be mulched. All other areas of disturbed soil which drain toward the stream channel shall be seeded with erosion control grass seeds. Seeding shall be completed between October 1 and November 15 the same year as the maintenance activity. Seeding placed after October 15 must be covered with broadcast straw, jute netting, coconut fiber blanket or similar erosion control blanket. Areas left barren prior to October 1 shall be covered with jute netting, coconut fiber blanket, or similar erosion control blanket.
- 3.2 Native Plant Materials Required. Revegetation shall include only local plant materials native to the project area, unless otherwise approved by CDFW in writing.
- 3.3 Prohibited Plant Species. Permittee shall not plant, seed, or otherwise introduce invasive plant species. Prohibited exotic plant species include those identified in the California Invasive Plant Council's Inventory Database, which is accessible at: <http://www.cal-ipc.org/paf/>
- 3.4 Compost or Mulch. Compost and/or mulch shall contain no visible glass, metal, or plastic. Paper shall be no more than 0.5% by weight or volume. Municipal compost shall not be used.

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1 Notification to the California Natural Diversity Database. If any sensitive species are observed in project surveys, Permittee shall submit California Natural Diversity Database (CNDDDB) forms to the CDFW Biogeographic Data Branch (CNDDDB@wildlife.ca.gov) with all pre-construction survey data within five working days of the sightings and provide regional CDFW staff with copies of the CNDDDB forms and survey maps.

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- 4.2 Nesting Bird Survey Methodology. Annually, at least two weeks prior to any pre-construction nesting bird surveys, Permittee shall provide nesting bird survey methodology to CDFW for review and approval. No project activities shall begin and no trees or vegetation shall be removed during the nesting season until nesting bird surveys have been completed using a method approved by CDFW. Results of the survey shall be submitted to CDFW no more than five (5) days prior to commencing project activities or removal of any trees or vegetation.
- 4.3 Permittee shall provide to CDFW Bay Delta Region written notification as described in measures 1.6, 1.7, 1.9, and 2.9.

CONTACT INFORMATION

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

To Permittee:

Zone 7 of the Alameda County Flood Control & Water Conservation District
c/o Elke Rank
100 North Canyons Parkway
Livermore, CA 94551
erank@zone7water.com

To CDFW:

Department of Fish and Wildlife
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, California 94534
(707) 428-2002

Attn: Lake and Streambed Alteration Program – Marcia Grefsrud
Notification #1600-2021-0001-R3
Fax (707) 944-5553
Marcia.Grefsrud@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.

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, from obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the Fish and Game Code including, but not limited to, Fish and Game Code sections 2050 *et seq.*

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(threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

This Agreement shall expire on December 31, 2025, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as Fish and Game Code section 1605, subdivision (a)(2) requires.

EXHIBITS

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

Exhibit A. Definition of Terms and Authorized Activities
Exhibit B. Stream Names
Exhibit C. Zone 7, Flood Control Facilities Map

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 Fish and Game Code section 1602.

Notification #1600-2021-0001-R3
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CONCURRENCE

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

**FOR ZONE 7 OF ALAMEDA COUNTY FLOOD
CONTROL AND WATER CONSERVATION
DISTRICT**

DocuSigned by:

Elke Rank

194479E31C2141E...

Elke Rank

Associate Water Resources Planner

3/31/2021

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

DocuSigned by:

Craig J Weightman

7988F6C4FDC24F2...

Craig J. Weightman

Environmental Program Manager

4/8/2021

Date

Prepared by: Marcia Grefsrud
Environmental Scientist
Date Sent: March 30, 2021

EXHIBIT A
DEFINITION OF TERMS AND AUTHORIZED ACTIVITIES

Definition of terms - as used herein and for purposes of the Agreement

Flood Control Channel or Engineered Channel means: an artificial open channel or ditch constructed for drainage or flood control purposes.

Concrete Lined Channel means: flood control channels with concrete sides and bottom.

Natural Channel means: a stream or watercourse that has not been modified as described in Statement A or B above, but includes those whose banks have been provided with erosion control structures.

Flood Control Structures means: levee, dams, and artificially constructed channels for flood control purposes.

Structure means: storm drain outfalls, tide gates, slide gates, culverts, revetments, bank protection, energy dissipaters, grade structures, sediment basins, weirs, diversion structures, trash racks, stream gauge structures, fish ladders, fish screens, utility line crossings, bridge piers.

Project means: all routine maintenance work performed by the Zone 7 of Alameda County Flood Control and Water Conservation District in each zone or on any County Road during each year. Each activity shall be construed as one project for fee purposes. A project does not include minor debris removal such as minor tree trimming, removing a shopping cart or a bag of garbage.

Heavy Equipment: means: any equipment used that is larger than a pick-up truck.
Emergency Project means: is defined in the State Fish and Game Code 1600.

Biologist means: A biologist is a person who has a combination of academic training and professional experience in the biological sciences.

Bioengineering means: Bioengineering is the application of the principles of engineering and natural sciences to flood control maintenance. Closely related to this is biotechnology, which deals with the implementation of biological knowledge in the implantation of techniques for maintenance activities. Applications from both fields are may be used in the field of flood control engineering to reduce the impacts on the natural and urban environment. Methods that may be used are but not limited to are, willow wattling, post and wire revetment, revegetation with native plants, seeding, installation of rootballs, brush layering, brush matting, trench packing, interplanting riprap, plantings and combinations of the above methods.

Area covered by the RMA: This RMA covers the entire Zone 7 Service Area within the boundaries of Alameda County

SAA means: Lake or Streambed Alteration Agreement

RMA means: Routine Maintenance Agreement.

Authorized Activities:

NOTE: All authorized activities must be eligible for a Categorical Exemption under CEQA. Commonly used exemptions include the following (see Article 19 of CEQA Guidelines for more details):

- 15301. EXISTING FACILITIES: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.
- 15302. REPLACEMENT OR RECONSTRUCTION. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
- 15303. NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

In no case may a categorical exemption be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment or for a project which may cause a substantial adverse change in the significance of a historical resource.

1. Vegetation Management:

Removal of parts of woody and herbaceous plants, fallen trees, or trunks or limbs lodged in the bed or bank causing flow restriction shall be cutoff at the bed or bank invert with small tools and removed with winch and cable or other equipment operated from top of bank. Root structures are not to be disturbed and the debris disposed of at a place where it cannot reenter State waters. No heavy equipment may be operated in the streambed.

Control of weeds and grasses on channel access roads or shoulders by mowing, or herbicide application may take place between April 1st and October 15th of each year. Herbicide application will conform to all applicable County, State, and Federal

Regulations and licenses. Only EPA registered herbicides shall be use in and on channel banks channels for vegetation control.

Vegetation enhancement associated with other routine maintenance activities including replanting, new planting, and maintenance of plantings.

Installation and maintenance of native riparian vegetation (trees, bushes, shrubs, and grasses) for the purpose of bank reinforcement and/or erosion control. Work beyond the October 15 seasonal restriction is allowed in instances where such timing promotes the success of native plantings and reduces need for added irrigation. All other restrictions still apply.

2. Debris and Sediment Removal:

Physical removal of silt, debris, rubbish, algae and other non-living materials from concrete lined channels where no flow or minimal flow is present. If water is present a flow diversion structure would be constructed up stream and water would be discharged downstream through a sediment control structure.

Removal of small amounts of debris and sediment from within and around structures (less than 50 cu yds.) affecting no more than 50 ft of watercourse in natural channels and 100 ft. in constructed flood control channels. (See definition of Structures).

Removal of sediment and debris from waterways affecting no more than 50 feet of a watercourse in a natural stream channel, 100 feet for an artificial earthen channel, and 500 feet in a concrete lined channel.

These activities will not exceed a cumulative annual total of 500 feet in a natural stream and 1000 feet in a flood control channel or 3,000 feet in concrete lined channel.

3. Structure Maintenance and Repair:

Repair, replacement in kind, or maintenance of drainage and erosion control structures including but not limited to, storm drain outfalls, tide gates, slide gates, culverts, revetments, bank protection, energy dissipaters, grade structures, sediment basins, weirs, trash racks, stream gauge structures, fish ladders, fish screens, utility line crossings, bridges (including support structures), road embankments, and access ramps.

Repair, maintain or resurface existing roads, bike lanes, paths, and sidewalks so long as the width of the paved surface is not increased.

4. Bank Repair:

Repair of concrete lined channels in-kind.

Repair of constructed engineered channels 200 linear feet in any three-month period, using the method of least impact to complete the repair. The primary repair method shall be bioengineering techniques such as turf reinforcement brush walls, etc. If

bioengineering (see definition of bioengineering) techniques do not provide a solution to the repair of the eroded banks (because of such as poor soils, percolation of water, limited space or steepness of slopes) other methods shall be explored. Riprap would be the last resort in that no other method would be effective.

Repair in natural channels would be limited to 100 ft. using the method of least impact to accomplish the repair.

In order to prevent instability in certain channels, dewatering of channel banks by use of drilling and installation of plastic drainpipes may be used. All equipment would be isolated from the channel by silt fencing or other barrier to keep any contaminates from entering the channel.

5. Temporary Water Diversions

Temporary water diversions associated with other related maintenance activities using structures such as cofferdams not exceeding 3 feet in height or sumps, with or without pumps, provided that all water is discharged into a silt control structure before release and provided that the channel is restored to its original configuration after work is completed.

6. Sensitive Fisheries

Notwithstanding the foregoing no routine maintenance shall be conducted in watercourses having sensitive fisheries without prior consultation with CDFW, at which time the CDFW shall evaluate the project and add any additional conditions that it might see fit for the preservation of the resource. Sensitive fisheries include Alameda Creek and Arroyo Mocho.

Zone 7 Water Agency

Creek and Watercourse Names

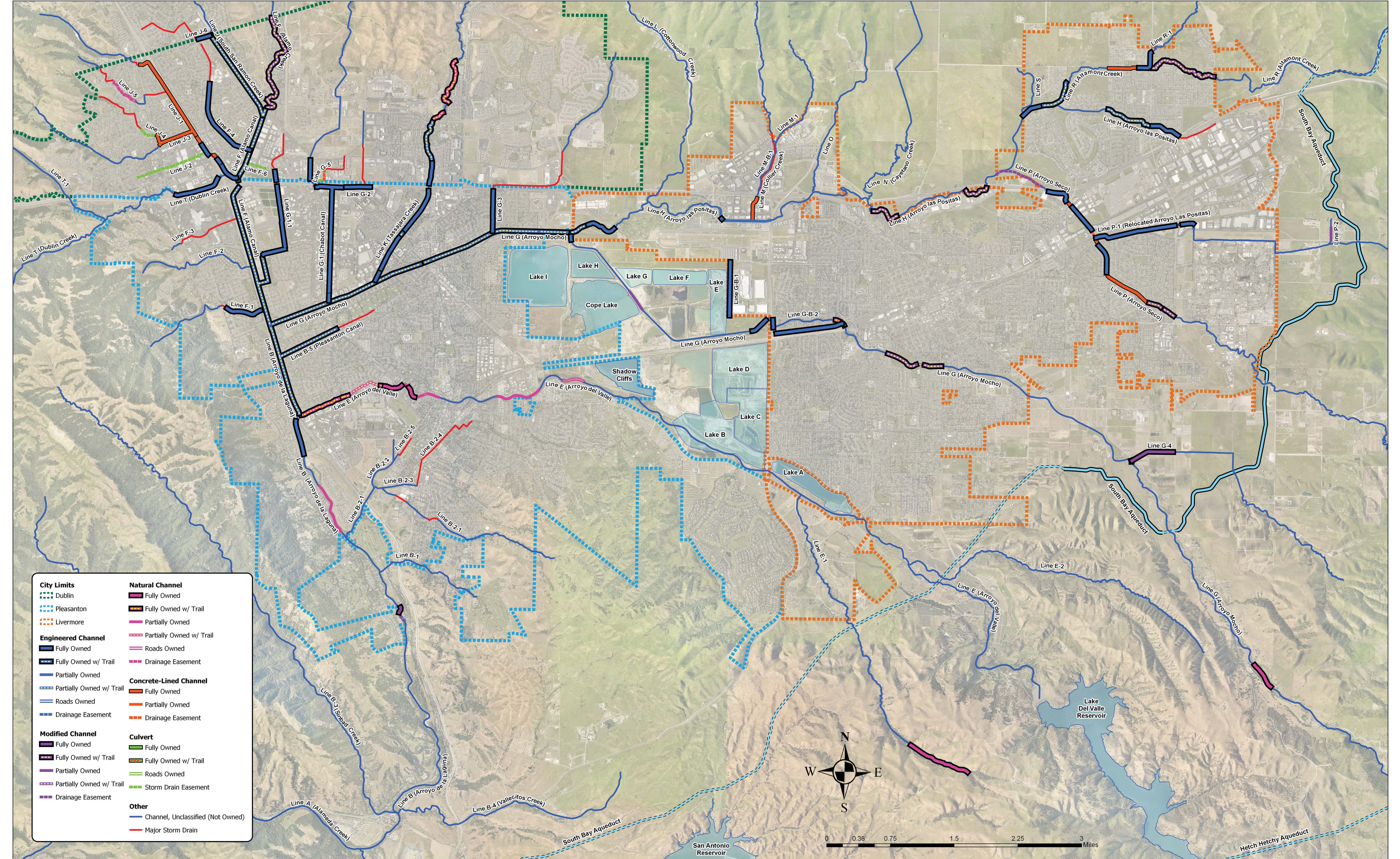
Creeks or watercourses indicated below are the facilities of which Zone 7 has partial or total ownership and/or holds easements, and where routine channel maintenance is most likely to occur. Also included are those creeks and watercourses within our Service Area for which Zone 7 does not hold ownership or easements; routine maintenance could occur in those areas under special circumstances but is unlikely.

Creek or Watercourse*	Name	Notes
Alameda Creek	Line A	No ownership/easements
Stonybrook Creek	Line A-1	No ownership/easements
San Antonio Creek / Indian Creek	Line A-2	No ownership/easements
Calaveras Creek	Line A-3	No ownership/easements
Arroyo De La Laguna	Line B	
Happy Valley Tributary	Line B-1	No ownership/easements
Sycamore Creek	Line B-2-1	No ownership/easements
--	Line B-2-2	No ownership/easements
Mission Creek	Line B-2-3	No ownership/easements
--	Line B-2-4	No ownership/easements
--	Line B-2-5	No ownership/easements
Sinbad Creek	Line B-3	No ownership/easements
Vallecitos Creek	Line B-4	No ownership/easements
Pleasanton Canal	Line B-5	
--	Line B-6	No ownership/easements
Arroyo Valle	Line E	
Vineyard Creek	Line E-1	
--	Line E-2	No ownership/easements
Alamo Canal / Creek	Line F	
Tehan Creek	Line F-1	
Gold Creek	Line F-2	No ownership/easements
Laurel Creek	Line F-3	No ownership/easements
Old South San Ramon Creek	Line F-4	
--	Line F-6	
Arroyo Mocho	Line G	
Chabot Canal	Line G-1	
--	Line G-1-1	
Hewlett Canal	Line G-2	
--	Line G-2-1	
Pimlico Canal	Line G-3	
Dry Creek	Line G-4	
--	Line G-5	
Arroyo Mocho Bypass 1 (Oaks Park)	Line G-B-1	

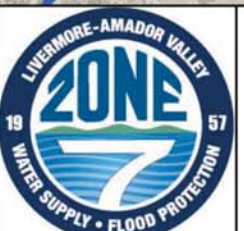
Zone 7 Water Agency

Creek and Watercourse Names

Arroyo Mocho Bypass 2 (Stanley)	Line G-B-2	
Arroyo Las Positas	Line H	
--	Line H-1	No ownership/easements
South San Ramon Creek	Line J	
Big Canyon Creek	Line J-1	
Alamilla Creek	Line J-2	
Martin Canyon Creek	Line J-3	
Clark Canyon Creek	Line J-4	
Koopman Canyon Creek	Line J-5	
--	Line J-6	
Tassajara Creek	Line K	
Cottonwood Creek	Line L	No ownership/easements
Collier Canyon Creek	Line M	
--	Line M-1	No ownership/easements
Collier Bypass	Line M-B-1	No ownership/easements
Cayetano Creek	Line N	No ownership/easements
--	Line N-1	No ownership/easements
--	Line N-2	No ownership/easements
Isabel Creek	Line O	No ownership/easements
Arroyo Seco	Line P	
Relocated Arroyo Las Positas	Line P-1	
Altamont Creek	Line R	
Kellogg Creek	Line R-1	
--	Line S	No ownership/easements
Dublin Creek	Line T	
Donlan Creek	Line T-1	No ownership/easements
Mountain House Creek	Line U	
--	Line W	No ownership/easements
Corral Hollow Creek	Line X	No ownership/easements
Patterson Run Creek	Line Y	No ownership/easements
*Note: Creeks or watercourses without a name occur because engineered channels are sometimes only labeled by line designation.		



City Limits	Natural Channel
Dotted Green Line: Dublin	Thick Red Line: Fully Owned
Dotted Blue Line: Pleasanton	Thick Orange Line: Fully Owned w/ Trail
Dotted Orange Line: Livermore	Thin Red Line: Partially Owned
Engineered Channel	Thin Orange Line: Partially Owned w/ Trail
Thick Blue Line: Fully Owned	Thin Blue Line: Roads Owned
Thick Blue Line with Dashed: Fully Owned w/ Trail	Thin Blue Line with Dashed: Drainage Easement
Thin Blue Line: Partially Owned	Concrete-Lined Channel
Thin Blue Line with Dashed: Partially Owned w/ Trail	Thick Orange Line: Fully Owned
Thin Blue Line with Dashed: Roads Owned	Thin Orange Line: Partially Owned
Thin Blue Line with Dashed: Drainage Easement	Thin Orange Line with Dashed: Drainage Easement
Modified Channel	Culvert
Thick Purple Line: Fully Owned	Thick Green Line: Fully Owned
Thick Purple Line with Dashed: Fully Owned w/ Trail	Thick Green Line with Dashed: Fully Owned w/ Trail
Thin Purple Line: Partially Owned	Thin Green Line: Roads Owned
Thin Purple Line with Dashed: Partially Owned w/ Trail	Thin Green Line with Dashed: Storm Drain Easement
Thin Purple Line with Dashed: Drainage Easement	Other
Other	Thin Blue Line: Channel, Unclassified (Not Owned)
Thin Red Line: Major Storm Drain	



ZONE 7 WATER AGENCY
 100 North Canyons Parkway
 Livermore, CA 94551

DRAWN: AC
 REVIEWED:
Coordinate System: NAD 1983 StatePlane California III FIPS 4033 Feet
 Projection: Lambert Conformal Conic

ZONE 7 WATER AGENCY
FLOOD CONTROL FACILITIES BASE MAP

FIGURE
 Scale: 1:29,000
 Date: 10/11/2018
 Drawn By: AC Reviewed By:



RMA

1600-2021-0001-R3

FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
12-22-2020	\$ 3666.50	\$		XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Assigned to:		Marcia Grebsrud		

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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

1. APPLICANT PROPOSING PROJECT

Name	Elke Rank
Business/Agency	Zone 7 of the Alameda County Flood Control & Water Conservation District
Mailing Address	100 North Canyons Parkway
City, State, Zip	Livermore, CA
Phone Number	925-454-5005
Email	erank@zone7water.com

Fish & Wildlife
 DEC 22 2020
 Fairfield

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

Name	
Business/Agency	
Mailing Address	
City, State, Zip	
Phone Number	
Email	

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

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

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

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

Name	
Mailing Address	
City, State, Zip	
Phone Number	
Email	



4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		Routine Maintenance		
B. Agreement Term Requested		<input checked="" type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)		
C. Project Term		Beginning (year)		Ending (year)
D. Seasonal Work Period				
Season(s)*	Start Date (month/day)	End Date (month/day)	E. Number of Work Days	
1	4/15	10/31	135	
2				
3				
4				
5				

* Continue on additional page(s) if necessary

5. AGREEMENT TYPE

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

A.	Standard (Most construction projects, excluding the categories listed below) – Effective September 1, 2020, notification for Standard Agreements shall be submitted through the EPIMS Permitting Portal.	
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.	Water Diversion/Extraction/Impoundment (Attachment C) – Attachment no longer available. Notification shall be submitted through the EPIMS Permitting Portal.	
E.	<input checked="" type="checkbox"/> Routine Maintenance (Attachment D)	
F.	Cannabis Cultivation (Attachment E) – Attachment no longer available. Notification shall be submitted through the EPIMS Permitting Portal.	
G.	<input type="checkbox"/> CDFW Grant Programs	Agreement Number: _____
H.	<input type="checkbox"/> Master	
I.	<input type="checkbox"/> Master Timber Operations	



6. FEES

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

A. Project Name		B. Project Cost	C. Project Fee
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
		D. Base Fee (if applicable)	\$3,666.50
		E. TOTAL FEE*	\$3666.50

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

7. PRIOR NOTIFICATION AND ORDERS

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

Yes (Provide the information below) No

Applicant	Notification Number	Date
same	1600-2010-0201-R3	12/15/2015 (extension)

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

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

Name of person who directed notification	Agency

Describe circumstances relating to order

Continued on additional page(s)



8. PROJECT LOCATION

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

Projects will be within the Zone 7 service area in Alameda County, which includes the cities of Pleasanton, Dublin, and Livermore, and some unincorporated areas of east Alameda County. .

Continued on additional page(s)

B. River, stream, or lake affected by the project. | San Francisco Bay

C. What water body is the river, stream, or lake tributary to? | Arroyo de la Laguna and trbutaries

D. Is the river or stream segment affected by the project listed in the state or federal [Wild and Scenic Rivers Acts](#)? | Yes | No | Unknown

E. County

F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Zone 7 service area is on multiple maps:				
Diablo, Dublin, Niles, Livermore,				
La Costa Valley, Altamont, Mendenhall Springs				

Continued on additional page(s)

K. Meridian (check one) | Humboldt | Mt. Diablo | San Bernardino

L. Assessor's Parcel Number(s)

Continued on additional page(s)

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

Latitude/Longitude	Latitude:	Longitude:
	Latitude:	Longitude:
	Latitude:	Longitude:
	Latitude:	Longitude:
	Latitude:	Longitude:



9. PROJECT CATEGORY

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



10. PROJECT DESCRIPTION

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

Zone 7 of Alameda County Flood Control and Water Conservation District proposes to conduct routine maintenance activities that are subject to Fish and Game Code Section 1602 in creeks and channels within eastern Alameda County. Routine maintenance includes periodically scheduled and implemented activities necessary to maintain the water transport capacity of streams and flood control channels and maintain the structural and functioning integrity of existing flood control and sediment detention structures on or affecting streams.

Maintenance activities that may be considered "routine" are listed on the enclosure. In brief summary, these activities include: clearing of debris from existing culverts, minor vegetation removal, debris removal in streams sufficient to restore water flow, bank stabilization and erosion control using bio-engineered techniques, and removal of hazardous man-made structures from water bodies for public safety and habitat improvement. Routine maintenance does not include any new work other than described in the enclosed list. Routine maintenance does not include the removal of or damage to living riparian vegetation other than that specified.

Depending on the location and time of year, water may be present during the work period. Zone 7 will, whenever feasible, avoid working in live streams when water is present.

Continued on additional page(s)

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

Equipment needs vary depending on work to be completed. Routine maintenance activities typically utilize shovels, chain saws and other hand tools; brush and slope mowers; and vehicles like bobcat tractors and pick-up trucks. No heavy equipment will be operated in the streambed. If necessary, a long reach excavator may be employed from the top of the bank for bank repair work.

Continued on additional page(s)

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

Yes No (Skip to box 11)

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

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



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 will vary depending on work to be completed. Generally, the maintenance work is intended to return the facility to the design condition. A detailed list of proposed routine maintenance activities will be provided annually.

Continued on additional page(s)

B. Will the project affect any vegetation?

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

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

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

Continued on additional page(s)

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

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

California Red Legged Frog occurs within the Livermore-Amador Valley

Continued on additional page(s)

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

ESA survey reports

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

- Yes (Enclose the study(ies)) No

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

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

- Yes (Enclose the mapped results) No

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

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

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

Varies depending on work to be completed. Routine maintenance activities follow best management practices, including:

- 1) All materials and debris shall be stored and disposed of properly.
- 2) No equipment shall be operated in a live stream at any time
- 3) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete maintenance activities.
- 4) All exposed/disturbed areas and access points within the stream zone left barren of vegetation as a result of the maintenance activities shall be restored by seeding with a blend native and non-native erosion control grass seeds.

Continued on additional page(s)

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

Varies depending on work to be completed. Routine maintenance activities follow best management practices, including:

- 1) No heavy equipment will be operated in the streambed
- 2) Maintenance work within creeks with natural (earthen) bottoms and/or banks shall be performed only between May 1 and October 15 to minimize adverse impacts to fish and wildlife resources and their habitats. Work within concrete lined channels may be conducted only between April 15 and October 15.
- 3) Apply the least practicable amount of EPA-approved herbicide necessary to effectively control nuisance plants.
- 4) Special status species surveys. If listed species or species of concern are identified at a project site, Zone 7 will apply for an individual permit.

Continued on additional page(s)

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

N/A

The routine maintenance activities are planned and designed to avoid impacts to fish, wildlife, and plant resources. By following best management practices, above, no project mitigation and/or compensation measures are necessary.

Continued on additional page(s)



13. PERMITS

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

A. _____ Applied Issued

B. _____ Applied Issued

C. _____ Applied Issued

D. Unknown whether local, State, or federal permit is needed for the project. (Check each box that applies)

Continued on additional page(s)

14. ENVIRONMENTAL REVIEW

A. Has a [CEQA](#) lead agency been determined? Yes (Complete boxes B, C, D, E, and F) No (Skip to box 14.G)

B. CEQA Lead Agency **Zone 7 of the Alameda County Flood Control and Water Conservation District**

C. Contact Person **Elke Rank** D. Phone Number **925-454-5005**

E. Has a draft or final document been prepared for the project pursuant to CEQA and/or NEPA?

Yes (Check the box below for each CEQA or NEPA document that has been prepared and enclose a copy of each.)

No (Check the box below for each CEQA or NEPA document listed below that will be or is being prepared.)

<input type="checkbox"/> Notice of Exemption	<input type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/> NEPA document (type): _____
<input type="checkbox"/> Initial Study	<input type="checkbox"/> Environmental Impact Report	
<input type="checkbox"/> Negative Declaration	<input type="checkbox"/> Notice of Determination (Enclose)	
<input type="checkbox"/> THP/ NTMP	<input type="checkbox"/> Mitigation, Monitoring, & Reporting Plan	

F. [State Clearinghouse Number](#) (if applicable) _____

G. If the project described in this notification is not the "whole project" or action pursuant to CEQA, briefly describe the entire project (Cal. Code Regs., tit. 14 § 15378).

NOTE: the need for CEQA compliance, and completion thereof, will be determined annually as the specific projects are identified.

Continued on additional page(s)



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

- Yes (Enclose proof of payment) No (Briefly explain below the reason a CEQA filing fee has not been paid)

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

NOTE: the need for CEQA compliance, and completion thereof, will be determined annually as the specific projects are identified. Fees will be paid at that time.

15. SITE INSPECTION

Check one box only.

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

I request CDFW to first contact (insert name) Elke Rank at (insert phone number or email address) 925-454-5005 to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay CDFW's determination as to whether a Lake or Streambed Alteration Agreement is required and/or CDFW's issuance of a draft agreement pursuant to this notification.

16. DIGITAL FORMAT

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

- Yes (Please enclose the information via digital media with the completed notification form.)
 No

17. SIGNATURE

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

Elke Rank
 Signature of Applicant or Applicant's Authorized Representative

Digitally signed by Elke Rank
 DN: cn=Elke Rank, o=ca_emailrank@zone7water.com, c=US
 Date: 2020.12.18 09:34:59 -0800

12/18/2020
 Date

Elke Rank
 Print Name



Applicant Name: Zone 7 of Alameda County Flood Control & Water Conservation District

Project Name: Routine Maintenance

ATTACHMENT D

Routine Maintenance

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

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

- Sediment removal (concrete-lined lake or stream or earthen lake or stream):
- In and around bridges, culverts, storm drain outlets, and/or water diversion structure
 - Stream channel bed
 - Stream channel bank(s)
 - Pond or lake
 - Marina basin
 - Detention basin
 - Boat launch channel
 - Other: _____

Method (heavy equipment, suction dredge, etc.) – specify: Typically done by an excavator working from top of bank. In dry, concrete channels we will use small bobcats or similar. In small or tight spaces it must be done by hand.

Estimated total cumulative sediment volume removed annually: 1,000 CY

Estimated total cumulative area impacted by sediment removal annually: 10,000 SF

Estimated recurrence frequency for sediment removal: Typically once every 1-3 years

- Vegetation management:
- Limbing and/or trimming of branches and tree limbs
 - Removal under high power lines
 - Removing fallen trees
 - Removing dead (not dormant) trees and shrubs
 - Stump left intact
 - Stump removal – specify: removal would be very rare; only where public safety is of primary concern.



- Removing vegetation (e.g., bulrush and cattails) from stream channel bed with:
- Non-motorized hand tools
 - Mechanical vegetation cutters, shredders, string trimmers (a.k.a. weed-whacker, weed-whip), chainsaws
 - Mowing
 - Heavy equipment (soil disturbance)
 - Herbicide – specify chemicals and attach application plan: _____
 - Other: _____

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

- Removing only non-native vegetation with:
- Non-motorized hand tools
 - Mechanical vegetation cutters, shredders, string trimmers (a.k.a. weed-whacker, weed-whip), chainsaws
 - Mowing
 - Heavy equipment (soil disturbance)
 - Herbicide – specify chemicals and attach application plan: will provide
 - Other: _____

- Vegetation and brush pile burning – specify burn location: _____
- Other vegetation management: _____

Estimated total linear feet of vegetation removed annually: 500 LF

Estimated total cumulative area impacted by vegetation management annually: 10,000 SF

Estimated recurrence frequency for vegetation management: 1-2 years

Intentionally Left Blank



- Existing facilities:
 - Erosion within existing facilities and easements
 - New erosion repair
 - Repair at existing erosion control sites
 - Other: _____
 - Road maintenance (e.g. repair or re-grade) of existing rights of way
 - Minor bridge work – work from bank or work in-channel (describe on a separate page if the work requires dewatering):
 - Reinforcing pilings
 - Reinforcing aprons
 - Painting (access and falsework)
 - Paint removal – specify method: _____
 - Other: _____
 - Specify materials and equipment: _____
- Minor culvert repair:
 - Repairing wingwalls within existing footprint
 - Repairing scour protection within existing footprint – provide detail:

 - Other: concrete patching
- Maintenance of stormwater outfalls and drop-inlet culverts
 - Erosion repair
 - Flow dissipaters
- Servicing of water quality monitoring stations, stream gages, etc.
- Boat launch repair
- Graffiti removal and abatement from bridges, culverts, and other instream structures
- Removal of trash and debris from:
 - Within channels
 - Head gates, screens, racks, pilings and piers
 - Other: _____



Location where trash and debris will be placed or discarded: Typically to the Vasco Rd landfill

- Pesticide application:
- Rodenticides – specify chemicals and attach application plan: _____
 - Insecticides – specify chemicals and attach application plan: _____
- Name of Licensed Agricultural Pest Control Advisor: _____
- Estimated recurrence frequency for pesticide application: _____

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

N/A

II. MAP OR MAPBOOK

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

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

III. SPECIAL STATUS SPECIES LOCATIONS

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

SUPPLEMENTAL INFORMATION

1) ADDITIONAL PROJECT BACKGROUND

Zone 7 has completed annual stream maintenance work under the terms of our Streambed Alteration Agreement / Routine Maintenance Agreement since 2011. We received extension of the SAA/RMA for a 5-year period (2016 - 2020) in order to continue to conduct routine stream maintenance work. Annual maintenance is a critical component of the regional flood protection system, and in doing this work, Zone 7 also seeks to be a good steward. To this end, the avoidance and minimization measures identified in the Agreement have become a natural part of Zone 7's approach to channel work.

Following is a summary of Zone 7's approach to channel maintenance, which includes: (1) proactively monitoring and maintaining flood control channels, (2) seeking low-impact options first and early, (3) letting site conditions drive the design in order to achieve the maximum benefit, and (4) restoring (and improving, when possible) the work area both for aesthetic and ecological benefit.

Proactive Monitoring & Maintenance

Zone 7 proactively monitors and maintains the agency-owned flood control channels. This includes regular on-the-ground monitoring of channels, documenting issues that are specific to certain reaches, and promptly addressing issues – especially catching minor issues before they become larger future problems that require more intensive treatments.

For example, in channels which historically have had a number of bank failures, Zone 7 continually monitors the areas for early evidence of bank movement (like tension cracks) or signs of potential future issues (like gopher or fox holes). When these early indicators are discovered, often relatively simple solutions are implemented, such as:

- a) eliminating squirrel and fox holes;
- b) sealing cracks on the slope and on road to prevent saturation of the slope and road;
- c) re-grading the access road drainage to eliminate ponding water and preventing drainage into the slope; and
- d) planting trees and/or deep-rooted grasses on channel banks to improve bank stability.

The photographs below demonstrate our proactive approach to address maintenance needs early to prevent needing to do larger and more intensive projects later.