



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



February 9, 2016

Len Materman
San Francisquito Creek Joint Powers Authority
615 B Menlo Avenue
Menlo Park, CA 94025

Subject: Final Lake or Streambed Alteration Agreement
Notification No. 1600-2013-0092-R3
San Francisquito Creek Flood Reduction, Ecosystem Restoration and Recreation Project

Dear Mr. Materman:

Enclosed is the final Streambed Alteration Agreement (Agreement) for the San Francisquito Creek Flood Reduction, Ecosystem Restoration and Recreation Project (Project). Before the California Department of Fish and Wildlife (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) within five working days of signing the Agreement. The NOD was based on information contained in the San Francisquito Flood Reduction, Ecosystem Restoration, and Recreation Project San Francisco Bay to Highway 101 Final Environmental Impact Report prepared by the lead agency.

Under CEQA, the filing of an NOD triggers a 30-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 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: Kevin Murray; kmurray@sfcjpa.org
Len Materman; jpa@sfcjpa.org
Lieutenant Ober
Lieutenant Moore

Conserving California's Wildlife Since 1870

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2013-0092-R3
SAN FRANCISQUITO CREEK

MR. LEN MATERMAN

San Francisquito Creek Flood Reduction, Ecosystem Restoration and
Recreation Project

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and the San Francisquito Creek Joint Powers Authority (Permittee), as represented by Len Materman.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on March 15, 2013 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 is located along San Francisquito Creek, on the eastern edge of East Palo Alto, in southeastern San Mateo County and northwestern Santa Clara County, in the State of California. The Palo Alto Municipal Golf Course (Golf Course) and Palo Alto Airport are adjacent to the eastern and southern boundaries of the project site. The project area can be accessed from East Bayshore Road (on the northeastern side of Highway 101). The project is located at Latitude 37.453057 N, Longitude -122.127577 W on the Palo Alto U.S.G.S Quadrangle Map, and at Latitude 37.453057 N, Longitude -122.115942 W on the Mountain View U.S.G.S Quadrangle Map.

The project area is shown in Exhibit A. Within this Agreement, the right bank will refer to the San Mateo County (East Palo Alto) side of the creek, and the left bank will refer to the Santa Clara County (Palo Alto) side of the creek (from downstream to upstream).

PROJECT DESCRIPTION

The purpose of the project is to improve channel capacity for San Francisquito Creek flows, coupled with the influence of the San Francisco Bay tides, and including projected sea-level rise, from the downstream face of East Bayshore Road to San Francisco Bay. The goals of the project are to improve flood protection, habitat, and recreational opportunities with the following objectives: protect properties and infrastructure between East Bayshore Road and the San Francisco Bay from creek flows resulting from 100-year fluvial flood flows occurring at the same time as a 100-year tide that includes projected sea-level rise through 2067; accommodate future flood protection measures (e.g., possible bridge removals or modifications) that are expected to be constructed upstream of the project; enhance habitat along the project reach, particularly for threatened and endangered species; enhance recreational uses; and minimize operational and maintenance requirements.

Major project elements include installation of floodwalls in the upper reach downstream of East Bayshore Road, and levee setbacks and improvements to widen the channel and increase levee height and stability between East Palo Alto and the Golf Course. Project activities include excavating sediment deposits within the channel to maximize conveyance; constructing sheetpile floodwalls in the upper reach to increase capacity and maintain consistency with Caltrans' newly constructed enlargement of the U.S. 101/East Bayshore Road bridge over San Francisquito Creek; and rebuilding levees, degrading levees, and relocating a portion of the southern levee (left bank) to widen the channel to reduce the influence of tides and increase channel capacity. Other major project elements include the extension of Friendship Bridge via a boardwalk across new marshland within the widened channel, and marshplain creation and restoration. Project activities are anticipated to take place over two construction seasons.

Sediment Removal

A total of approximately 11,000 cubic yards (CY) of sediment will be excavated from the channel (not including the excavation that will occur as a result of construction of structural elements). Sediment will be excavated along approximately 2,200 linear feet of the left bank (Station L-Line 31+50 to 53+50) and along approximately 2,600 linear feet of the right bank (Station R-Line 32+50 to 42+50, 50+50 to 62+50, and 66+50 to 70+50).

Flood Walls

Sheetpile floodwalls with tops measuring approximately 20 feet North American Vertical Datum (NAVD 88) in elevation will be constructed along portions of the right and left banks of the channel. The floodwalls will be constructed along the right bank at the following locations: 1) Station R-Line 54+00 to 75+54 (approximately 2,154 feet in length and between 10.5 feet and 13.4 feet in height above the channel bench); 2)

Station R-Line 30+40 to 31+60 (approximately 120 feet in length and 13 feet in height above the channel bench); and 3) Station R-Line 29+60 to 29+96 (approximately 36 feet in length and 15 feet in height above the channel bench). The floodwalls will be constructed along the left bank at the following locations: 1) Station L-Line 71+57 to 76+19 (approximately 462 feet in length and between 13.2 feet and 15 feet in height above the channel bench); and 2) Station L-Line 49+23 to 71+05 (approximately 2,182 feet in length and between 11.5 feet and 12.4 feet in height above the channel bench).

Earthen Levees

Existing earthen levees measuring between 13.5 feet and 17.5 feet NAVD 88 in elevation will be enlarged to approximately between 17.8 feet and 19.5 feet NAVD 88 along portions of the right and left banks of the channel. The existing earthen levee on the right bank at Station R-Line 29+60 to 75+50 (measuring 4,590 feet in length, 65 feet in width at the toe, and 8 feet above the channel bench) will be modified from Station R-Line 29+60 to Station 54+00 (approximately 2,440 feet in length, 75 feet in width at the toe, and 12 feet above the channel bench). The existing earthen levee on the left bank at Station L-Line 23+10 to 72+50 (measuring 4,940 feet in length, 44-60 feet in width at the toe, and 8 feet above the channel bench) will be modified from Station L-Line 22+73 to 49+23 (approximately 2,650 feet in length, 82-94 feet in width at the toe, and 12 feet above the channel bench).

A portion of the earthen levee on the left bank (mentioned above) will be relocated inland to an area currently occupied by the Golf Course. This relocated levee will be moved up to approximately 103 feet further inland (away from the San Francisquito Creek channel) relative to the existing levee to increase channel capacity at the existing constriction point. Except for a section around the eastern footings of Friendship Bridge, the old levee will be removed and the area restored to marsh plain. The portion of the levee containing the Friendship Bridge footings will remain as an island (referred to in the design plans [labeled Draft 100% and dated July 2015] as Friendship Island).

Access Roads

Access roads, which will also serve as trails, will be constructed at the tops of the levee crowns on both the left and right banks. These access roads/trails will measure approximately 16 feet in width, but may be narrowed down to 12 feet in width near structures and residences in order to maximize the stream width in these locations. Access roads/trails will be overlain with aggregate base and in some areas will also be paved with asphalt concrete.

Rock Slope Protection

Approximately 3.71 acres (6,276 linear feet) of rock slope protection (RSP) will be placed along portions of some of the levee tops and inboard levee slopes, as well as on the top and side slopes of Friendship Island.

Faber Tract Levee Stability Improvement

The project is separated from the Faber Tract of the U.S. Fish and Wildlife Service's (USFWS) Don Edwards Wildlife Refuge (Refuge) by an existing levee (Faber Tract Levee). The Faber Tract is known to contain a high density of Ridgway's rail (*Rallus obsoletus obsoletus*), and a likely population of salt-marsh harvest mouse (*Reithrodontomys raviventris*). To minimize impacts to the high quality habitat of the Faber Tract for these species, fill will be added to portions of the Faber Tract Levee to reduce concerns regarding levee erosion and the potential for mass levee failure. A 400-foot section of levee crest downstream of Friendship Bridge will be raised from a minimum elevation of 11 feet to 13 feet, and the marsh side of the Faber Tract Levee will be sloped 6H:1V into the Faber Tract marsh. The 6H:1V Faber Tract Levee side slope will help protect the levee toe from erosion due to flow overtopping a 400-foot distance as the Faber Tract Levee transitions to a higher elevation upstream near Friendship Bridge.

Friendship Bridge

The existing Friendship Bridge [measuring approximately 140 feet long, 11.5 feet wide, 15 feet high, with a freeboard water surface elevation (WSE) to soffit of 4.9 feet] will be retained and extended as a boardwalk from the retained eastern footing across the new marsh plain terrace to the relocated left bank levee. The abutments supporting Friendship Bridge will remain unchanged. Adjacent to the existing bridge on the left side of the creek, the project will include a marsh plain terrace that will be graded to an elevation equal to the mean higher high water (MHHW) tide elevation. This terrace will create a continuous tidal marsh beginning in the lower reach of the project, surrounding Friendship Bridge's southeast approach, and extending upstream along the creek's left bank. The terrace will be inundated during spring tides and more moderate stream flow events. The left end of Friendship Bridge will stand in the marsh plain terrace after the project is implemented. A boardwalk will traverse the marsh plain from the left bank and will tie into the abutment on the left end of Friendship Bridge. The boardwalk will be the same width (approximately 11.5 feet wide) as Friendship Bridge and measure approximately 202 feet long and 10 feet high. The boardwalk will have a freeboard WSE of 3.7 feet at the new levee, and 2.4 feet at Friendship Island (flows will be allowed over the boardwalk). The boardwalk will be constructed of a timber deck and 12 concrete piles (each measuring 18 inches in diameter). The elevation of the low mark of the boardwalk will be set above the highest anticipated flood elevation, with the lowest point of the bridge a minimum of 5 feet above the marsh plain terrace beneath it.

Bay Levee Degrade

Downstream of the Faber Tract, in a separate, lower-quality marsh area that is subject to daily tides from San Francisco Bay, approximately 600 feet an existing levee (referred to as the Bay Levee) separating the creek from this marsh area will be degraded from Station 3+50 to Station 9+50. This levee degrade will allow further connection of the marsh to the creek and decrease the WSE in the creek during large flood events, allowing the channel to expand out over the marsh area at a point further upstream than under existing conditions.

Dewatering

Water diversion will be implemented to maintain the work site as water-free as possible for the duration of in-channel work. The full width of the channel from the tops of bank will be dewatered. Water incursion is expected from San Francisco Bay tides, natural and urban runoff flows from upstream, outfalls downstream from the U.S. 101/East Bayshore Road bridge, and discharges from the O'Connor Pump Station in East Palo Alto and the Palo Alto Pump Station.

Water diversion will include cofferdams upstream (to intercept stream flows) and downstream (to block tidal Bay waters) of the work site. Stream flows upstream of the site will be pumped and passed through piping that bypasses the work site. Discharges from the two municipal pump stations will be pumped from the clear wells into the diversion piping. Dewatering sumps may be necessary for excavation, as depth to groundwater has been determined to be 1-3 feet below existing channel invert.

Utility Relocation

Project activities will require the relocation, removal, or raising of some of Pacific Gas and Electric's (PG&E) electric transmission towers (T) and poles, abandonment of existing and construction of new gas transmission lines, and realignment or relocation of sewer lines and storm drains.

T1 and T4 will be raised 15 feet. T2, which is currently located outside of the wetted portion of the stream channel, will be permanently removed. T3 will be relocated approximately 25 feet north of where T2 is currently located. Due to the fact that T3 will be within the creek channel once project construction is complete, there will be a fortified concrete pier (measuring approximately 625 square feet in area and 3 feet high) supporting each of the four legs of the tower placed into the newly widened channel. T3 will be 25 feet taller than T2. A temporary shoo-fly structure will be built to enable construction of T3. The shoo-fly structure will be supported by one wooden pole placed 25 feet south of the existing T2 and a second pole placed 75 feet north of the existing T2. The poles of the shoo-fly structure will be placed in the toe of the existing levee and will be removed once the new tower (T3) is fully operational.

Several utilities will be removed as a result of the relocation of the left levee into the Golf Course in the area of the Friendship Bridge extension. These utilities include a portion of an abandoned 24-inch sanitary sewer line, a portion of a 6-inch solid storm drain flex pipe, a portion of a joint trench (containing electrical and irrigation water), and a portion of a potable water line. Just upstream of Friendship Bridge, a 14-inch sanitary sewer line, which will be capped and plugged outside of the right of way on the right bank, crosses the channel to the left bank. This sanitary sewer line and associated vault will be removed.

A City of Palo Alto 96-inch diameter storm drain and outfall at Station L-line Station 76+00 will be relocated within the abutment for the Caltrans U.S. 101/East Bayshore Road Bridge and resized to 30 inches. A 30-inch diameter storm drain and outfall at

Station L-line 75+10 will be removed. A storm drain at the existing Santa Clara Valley Water District mitigation site Station C-Line 69+75 to 72+15 will be daylighted at the newly constructed bank (Station L-line Station 67+75). The storm drain and outfall at Station R-line 69+00 will be removed.

Portions of the existing PG&E gas transmission line (from Station R-line 50+50 to Station L-line 53+00) between the International School of the Peninsula and Friendship Bridge on both right and left banks are located within the realigned channel and will be removed. An approximately 1,350-foot length of abandoned PG&E gas transmission line that runs beneath channel from the right bank to the left bank will be removed (Station R-line 44+75 to Station L-line 53+00). A new 24-inch gas pipeline will be installed on the Palo Alto side of the creek (Station L-line 29+00). The pipeline will cross to the East Palo Alto side near Friendship Bridge (Station R-line 32+00), where it will tie in to the existing pipeline. The new pipeline will tie into the old pipeline at the electrical transmission tower east of the recreation area parking lot, at the end of Geng Road in Palo Alto. The new pipeline will extend northward on the left bank to the approximate location of Friendship Bridge just south of O'Connor Street. Between Geng Road and Friendship Bridge, the pipeline will lie within the Golf Course at a minimum of 15 feet east of the proposed new levee. At Friendship Bridge, the new pipeline will cross under the creek channel to the right bank, where it will tie into the existing pipeline. The tunnel for the new pipeline under the creek channel will be bored via horizontal directional drilling. The trench for the pipe on the left bank will be constructed by cut and fill. The pipeline will be located a minimum of 4 feet below grade.

Operation and Maintenance

Post-operation and maintenance activities beyond the term of this Agreement will be performed under the Santa Clara Valley Water District's Stream Maintenance Program (1600-2011-0336-R3). Post-construction operation and maintenance activities at the project site that may be performed during the term of this Agreement include mowing of approximately 6.49 acres of grassland habitat along the inboard face of the levees (except on the Faber Tract levee) up to three times per year, removal of invasive species from the restored tidal marsh, trash and debris removal, and burrowing rodent control.

Marshplain Creation and Restoration

Herbicides will be used to conduct the initial removal of invasive plant species prior to marshplain creation and restoration activities. Approximately 9.76 acres of tidal marsh will be created, and approximately 5.38 acres of tidal marsh will be passively restored as a result of this project.

Steelhead Passage Features

Six velocity refuge features (approximate locations shown in Exhibit A) will be installed within the project footprint in the San Francisquito Creek channel to improve steelhead (*Oncorhynchus mykiss*) passage. Features will include five rock and rootwad structures

(constructed features including wood logs with and without rootwads and large rocks for anchoring) in the middle reach (upstream of Friendship Bridge) and one rock spur (partial weir) in the lower reach (immediately downstream of Friendship Bridge).

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: the federally threatened Central California Coast steelhead; the federal candidate and state threatened longfin smelt (*Spirinchus thaleichthys*); the federally threatened and state species of special concern California red-legged frog (CRLF) (*Rana draytonii*), green sturgeon (*Acipenser medirostris*), and western snowy plover (*Charadrius alexandrinus nivosus*); the federally threatened and state fully protected black rail (*Laterallus jamaicensis coturniculus*); the federally endangered and state fully protected salt marsh harvest mouse (SMHM), California Ridgway's rail, San Francisco garter snake (SFGS) (*Thamnophis sirtalis tetrataenia*), and California least tern (*Sternula antillarum browni*); the fully protected white-tailed kite (*Elanus leucurus*); the state species of special concern western pond turtle (WPT) (*Actinemys marmorata*), western burrowing owl (BUOW) (*Athene cunicularia hypogea*), northern harrier (*Circus cyaneus*), San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), and Alameda song sparrow (*Melospiza melodia pusillula*); other native and non-native fish species, and nesting birds.

Existing plant resources the project could substantially adversely affect include: the California Native Plant Society (CNPS) 1B.2 alkali milk-vetch (*Astragalus tener* var. *tener*), San Joaquin spearscale (*Atriplex joaquiniana*), Congdon's tarplant (*Centromadia parryi* ssp. *condonii*), Point Reyes bird's beak (*Cordylanthus maritimus* ssp. *palustris*), and saline clover (*Trifolium depauperatum* ssp. *hydrophilum*); the CNPS 1A hairless popcorn flower (*Plagiobothrys glaber*); the CNPS 2B.2 slender-leaved pondweed (*Stuckenia filiformis*); and the Federally Endangered and CNPS 1B.1 California seablite (*Suaeda californica*).

The adverse effects the project could have on the fish or wildlife resources identified above, without implementation of the Measures to Protect Fish and Wildlife Resources specified below, include: permanent loss of natural bed or bank; channel profile widening; loss of bank stability during construction; increased bank erosion; accelerated channel scour; increased turbidity; changes in pH; short-term release of contaminants; short-term changes in dissolved oxygen, water temperature, and stream flow; dryback of stream channels; permanent loss of wetland vegetation; permanent decline in vegetative diversity; colonization by exotic plant species; change in stream flow; temporary impacts to stream due to dewatering activities; direct take of aquatic species from pumps; construction of trenches that can capture terrestrial and semi-aquatic organisms; temporary loss of wildlife connectivity to water source; temporary loss of terrestrial animal species' travel routes due to construction; disturbance or mortality of terrestrial, aquatic, and semi-aquatic fish and wildlife species; and disturbance to nesting birds.

Exhibit B shows a summary of permanent and temporary impacts to channel, wetland, and riparian habitat types. Exhibit C is a map showing the permanent and temporary impacts to the channel and various wetland types referenced in Exhibit B. The project

will result in a total (both permanent and temporary) of approximately 3.13 acres of impacts to diked marsh which is found on the landward side of the levees and was likely tidal salt marsh historically (prior to the original construction of the levees) and supports vegetation typically dominated by saltgrass (*Distichlis spicata*), pickleweed (*Salicornia pacifica* and *S. virginica*), alkali heath (*Frankenia salina*), and Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*). The project will also result in a total of approximately 4.51 acres of impacts to tidal salt marsh which supports vegetation typically dominated by Pacific cordgrass (*Spartina foliosa*), pickleweed, perennial peppergrass (*Lepidium latifolium*), gumplant (*Grindelia stricta*), and alkali heath; and a total of approximately 2.43 acres of impacts to tidal channel and bay water habitat.

Approximately 0.57 acres of riparian habitat will be impacted by this project. Of approximately 114 trees to be removed, 48 trees are native, 59 trees are considered non-native and invasive, and 7 trees are considered non-native and ornamental. Exhibit D contains a tree removal map. Approximately fourteen of the native trees will be removed from an off-site riparian mitigation site that was required for project impacts associated with the Santa Clara Valley Water District's Matadero/Barron Creeks Long-Term Remediation Project (1600-2003-0119-R3). Approximately three of the native trees will be removed from a riparian mitigation site associated with the City of Palo Alto's Pump Station Project (1600-2007-0046-R3). These two existing mitigation sites are not protected under a Conservation Easement.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.

- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Notification of Commencement and Completion of Work. Permittee shall notify CDFW within 5 working days of beginning work and within 5 working days of completion of work within the stream channel for each construction season covered in this Agreement. Notification shall be made to Tami Schane, Environmental Scientist, by email (tami.schane@wildlife.ca.gov) or by phone (415) 831-4640.
- 1.6 Final Plans and Specifications. Permittee shall provide final construction plans and specifications to CDFW prior to construction. Permittee shall notify CDFW of any modifications to the project description as stated above. At the discretion of CDFW, project modifications may require an amendment or a new Streambed Alteration Agreement.
- 1.7 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.

2. Avoidance and Minimization Measures

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

- 2.1 Work Period. To avoid impacts to longfin smelt, green sturgeon and steelhead, dewatering shall begin no earlier than June 15 and extend no later than October 15 for each work season during the term of this Agreement. Construction activities outside of the stream channel shall be confined to the period between May 1 and October 15. Revegetation work in a given reach is not confined to this work period but shall be completed within the wet season following completion of the project in that reach. Requests for extensions to conduct work within the stream or adjacent marsh shall be coordinated with Tami Schane, Environmental Scientist, by email (tami.schane@wildlife.ca.gov) or by phone (415) 831-4640.
- 2.2 Work Period Modification. If Permittee needs more time to complete Project activities, work may be authorized outside of the work period and extended on a day-to-day basis by contacting Tami Schane, Environmental Scientist, by email (tami.schane@wildlife.ca.gov) or by phone (415) 831-4640, or the CDFW Bay Delta Regional Office by mail, or by phone (707) 944-5500.

If Permittee requests a work period extension, Permittee shall submit such a request in writing to the CDFW Bay Delta Regional Office. The request shall: i) describe the extent of work already completed; ii) detail the activities that remain to be completed; iii) detail the time required to complete each of the remaining activities; and iv) provide photographs of both the current work completed and the proposed site for continued work. The work period variance shall be issued at the discretion of CDFW. CDFW reserves the right to require additional measures to protect biological resources as a condition for granting the variance. CDFW shall have 10 calendar days to review the proposed work period variance.

- 2.3 Precipitation Forecasts. Precipitation forecasts shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of substantial precipitation defined as 0.5 inch or more within a 24-hour period. Construction activities that are halted due to precipitation may resume when precipitation ceases and the National Weather Service 72-hour weather forecast indicates a 20% or less chance of precipitation. Weather forecasts shall be documented upon request by CDFW.
- 2.4 Dewatering. Work shall be performed in isolation from the flowing stream. The entire stream flow shall be diverted around the project work area using water-tight coffer dams and piping consistent with the Temporary Water Diversion Plan dated September 3, 2015, and received by CDFW in the submittal of additional information dated September 14, 2015, unless otherwise conditioned herein. Upon removal of the water diversion system, flows shall be gradually restored to the channel in a manner that avoids an erosive surge of water. Gravel-filled bags and plastic sheeting may be used to prevent leaking at the cofferdams. Sand-filled bags shall not be used at any time within the limits of the stream channel. The project site shall be dewatered using Baker tanks with a total capacity of 21,000 gallons for testing and appropriate discharge or disposal. Screened pumps shall be used in accordance with CDFW's fish screening criteria (http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp).
- 2.5 Silt Curtain. A Type 3 Department of Transportation (DOT) floating silt curtain or CDFW-approved equivalent shall be installed on the outboard side of the Bay Levee during Bay Levee excavation, to prevent sediment from entering the adjacent marshland and San Francisco Bay. If it is possible to perform the Bay Levee excavation without entering the channel, the same type of floating silt curtain shall be installed on the channel side of the Bay Levee to prevent sediment from entering the channel.
- 2.6 No Equipment in Wetted Areas. Equipment shall not be operated in wetted areas, including but not limited to ponded, flowing, or wetland areas, or within the live stream channel below the level of top-of-bank.

2.7 Erosion Control. Erosion control measures shall be utilized throughout all phases of the project where sediment runoff from exposed slopes threatens to enter any stream channels. At no time shall silt laden runoff be allowed to enter any stream channels. To protect exposed soils from erosion during discharges, erosion control blankets, mats, or geotextiles shall be placed over the erodible surfaces. Any erosion control materials used within the stream channels during discharges shall be removed immediately upon completion of water discharges. No erosion control materials shall contain any plastic or monofilament netting.

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 Nesting Bird Surveys. If construction, grading, or other project-related improvements are scheduled during the nesting season of protected raptors and migratory birds January 15 to September 1, a focused survey for active nests of such birds shall be conducted by a qualified biologist within fourteen (14) days prior to the beginning of project-related activities. The results of the survey shall be sent to Tami Schane, Environmental Scientist, by email (tami.schane@wildlife.ca.gov) prior to the start of project activities. Refer to Notification Number 1600-2013-0092-R3 when submitting the survey results to CDFW. If an active nest is found, Permittee shall consult with the USFWS and CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act (MBTA) of 1918 and the FGC of California. If a lapse in project-related work of 15 days or longer occurs, another focused survey and if required, consultation with CDFW and USFWS, shall be required before project work can be reinitiated.

2.10 Buffers. Active nests shall be designated as "Ecologically Sensitive Areas" and protected (while occupied) during project activities with the establishment of a fence barrier or flagging surrounding the nest site. If an active nest is found, the qualified biologist shall establish an appropriate buffer to be in compliance with the MBTA and Fish and Game Code 3503. The qualified biologist shall monitor the nesting birds and shall increase the buffer if the qualified biologist determines the birds are showing signs of unusual or stressed behavior by project activities.

Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established. Typical minimum distances of the protective buffers surrounding each identified nest site is a 50-foot radius except for raptors, herons, and egrets; and a 300-foot radius around active nests for hawks, owls, herons, and egrets. All protective buffer zones shall be maintained, and no entrance shall be allowed into protective buffer zones, until the nest becomes inactive. If monitoring shows that disturbance of actively nesting birds is occurring, buffer widths shall be increased until monitoring shows that disturbance is no longer occurring. If this is not possible, work shall cease in the area until young have fledged and the nest is no longer active.

- 2.11 CRLF Survey. Prior to and within 48 hours of the planned start of project activities, a focused survey for CRLF shall be conducted by a qualified biologist to determine if they are present in the area. If CRLF individuals are found, CDFW and USFWS shall be notified immediately to determine the correct course of action and project activities shall not begin until approved by CDFW. CDFW may submit additional written avoidance, minimization and mitigation measures if CRLF are found within the project area. Those additional measures shall be considered part of this Agreement. CRLF shall not be relocated without authorization from USFWS.
- 2.12 SFGS Survey. Prior to and within 48 hours of the planned start of project activities, a focused survey for SFGS shall be conducted by a qualified biologist to determine if they are present in the area. If SFGS individuals are found, then work shall be stopped immediately by the qualified biologist, and the GGS shall be allowed to leave the work area on its own volition. CDFW shall be notified of any such occurrences. If the SFGS does not leave the area, then no work shall commence until CDFW has made a determination on how to proceed with work activities. The qualified biologist shall be present on site to monitor for this species during the operation of large equipment within 300 feet of freshwater pond areas. The qualified biologist shall have the authority to stop work if deemed necessary for any reason to protect SFGS.
- 2.13 WPT Survey. Prior to and within 48 hours of the planned start of project activities, a focused survey for WPT shall be conducted by a qualified biologist to determine if they are present in the area. If WPT individuals are found, CDFW shall be notified immediately to determine the correct course of action and project activities shall not begin until approved by CDFW. CDFW may submit additional written avoidance, minimization and mitigation measures if WPT are found within the project area. Those additional measures shall be considered part of this Agreement. In addition, Permittee shall notify CDFW in any instance where WPTs

are relocated. Notification shall be made to Tami Schane, Environmental Scientist, by email (tami.schane@wildlife.ca.gov) or by phone (415) 831-4640.

- 2.14 WPT Exclusion. If WPT individuals are found, they shall be excluded from entering the project site. CDFW-approved exclusion fencing shall be installed around those areas or where equipment may be stockpiled. The lower edge of the fence shall be buried at least four (4) inches to prevent burrowing animals from tunneling under the fence.
- 2.15 Daily Species Inspection. If WPT individuals are found, after installation of the fence barrier, the biological monitor (or qualified biologist) shall conduct daily inspections of the project work area, and staging area prior to the commencement of construction activities. If the biological monitor or qualified biologist determines that sensitive species are not within the work area, equipment or materials may be moved onto the work site and project activities may commence under the direct observation of the biological monitor or qualified biologist.
- 2.16 BUOW. Permittee shall implement all conservation measures applicable to BUOW under the Santa Clara Valley Habitat Plan, including the BUOW Conservation Strategy. For any project activities located in grassland or bare ground habitat, Permittee shall survey the surrounding work area and associated grassland habitat to identify any nests sites and/or any BUOW foraging habitat. If there are BUOW nests on the 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 BUOW Conservation Strategy are defined as those impacts where the site cannot be restored to pre-project conditions within one year) to BUOW nests or associated foraging habitat. If there are BUOW nests within 250 feet of project activities, Permittee shall establish a 250-foot radius, no work buffer zone around occupied BUOW nests. Buffers may be modified, with CDFW approval, by a qualified biologist based on location of paved roads, intervening riparian corridors, and levees.
- 2.17 California Ridgway's Rail, California Black Rail, and SMHM Survey. Prior to and within 48 hours of the planned start of project activities, a qualified biologist shall thoroughly inspect the work area and adjacent tidal or brackish marsh areas to determine if California Ridgway's rail, California black rail, or SMHM are present in these areas. If a mouse of any species, California Ridgway's rail, or California black rail is observed within the work area, then work shall be stopped immediately by the qualified biologist, and the mouse or rail shall be allowed to leave the work area on its own volition. CDFW shall be notified of any such occurrences. If the mouse or rail does not leave the area, then no work shall commence until CDFW has made a determination on how to proceed with work activities. The qualified biologist shall be present on site to monitor for these species during the operation of large equipment within 300 feet of brackish marsh areas. The qualified biologist

shall have the authority to stop work if deemed necessary for any reason to protect California Ridgway's rail, California black rail, or SMHM.

- 2.18 Work within California Ridgway's Rail, California Black Rail, and SMHM Habitat. Project activities within or adjacent to habitat suitable for California Ridgway's rail, California black rail, or SMHM shall not occur within 2 hours before or after extreme high tides (6.5 feet or above) when the marsh plain is inundated.
- 2.19 Vegetation Removal Within SMHM Habitat. Vegetation removal within suitable habitat for SMHM shall be conducted by hand. Hand removal of vegetation shall start at the edge farthest from the largest contiguous salt marsh area and work its way towards the salt marsh, providing cover for SMHM and allowing them to move towards the salt marsh as vegetation is being removed.
- 2.20 SMHM Exclusion Fencing. In consultation with CDFW and USFWS, SMHM-proof exclusion fencing shall be placed around a defined work area immediately following vegetation removal and before proposed project activities begin. All supports for the exclusion fencing shall be placed on the inside of the work area to prevent SMHM from climbing the stakes into the work area. The SMHM-proof exclusion fencing shall be at least two feet high but no higher than 4 feet. The fencing shall be made of a heavy plastic sheeting material that is too smooth for SMHM to climb. The toe of the fence shall be buried approximately four inches in the ground to prevent SMHM from crawling or burrowing underneath it. A 4-foot buffer shall be maintained free of vegetation around the exclusion fencing and work areas. The final design and proposed location of the fencing shall be reviewed and approved by CDFW and USFWS prior to placement.
- 2.21 Daily Site Inspection for SMHM. Prior to initiation of work each day within 300 feet of tidal or pickleweed habitats, a qualified biologist shall thoroughly inspect the work area and adjacent habitat areas to determine if salt marsh harvest mice are present. The biologist shall ensure the exclusion fencing has no holes or rips, and the base remains buried. The fenced area shall be inspected daily to ensure that no SMHM are trapped.
- 2.22 Mowing. To minimize the possibility of injuring or killing SMHM during mowing activities associated with maintenance, mowing activities shall be preceded by cutting of vegetation with hand tools only. Once vegetation has been cut to a level such that the ground is clearly visible, mowing activities shall proceed with a biological monitor walking in front of the mower, scanning the area for any SMHM. Mowing shall be conducted in upland vegetation only and shall be prohibited in any marsh or marsh/transition zone vegetation.
- 2.23 Burrowing Rodent Control. Burrowing rodent (such as ground squirrel and gopher) control activities within 330 feet of marsh/brackish marsh habitat suitable for California Ridgway's rail or SMHM shall be limited to live trapping efforts only. All

live traps shall have openings measuring no smaller than 2 inches (horizontal) by 1 inch (vertical) to allow any SMHM that inadvertently enter the trap to easily escape. All traps shall be placed outside of pickleweed areas and above the high tide line. Burrowing rodent control using rodenticides shall be limited to areas outside of known and potential habitat for California Ridgway's rail, California black rail, or SMHM. Any rodenticide use shall be limited to first-generation rodenticides only.

- 2.24 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 any applicable permits such as a permit to destroy nuisance fish (FG 793).
- 2.25 Steep-Walled Holes, Pits, and Trenches. All steep-walled holes, pits, or trenches exceeding 6 inches deep shall be secured against animal entry at the close of each day or any time the opening will be left unattended for more than one hour. Plywood or similar materials with no gaps shall be used to cover the trench (if possible), holes, and pit. In the absence of covers, escape ramps shall be provided, constructed of earth or untreated wood, sloped no steeper than 2:1, and located no further than 15 feet apart.
- 2.26 Pipes, Hoses, and Similar Structures. All pipes, hoses, or similar structures less than 12 inches in diameter shall be closed or covered to prevent animal entry. All construction pipes or similar structures greater than 2 inches in diameter stored at the project site overnight shall be inspected thoroughly for wildlife by a qualified biologist before the pipe or similar structure is buried, capped, used, or moved.
- 2.27 Herbicide Use. Only herbicides registered with the California Department of Pesticide Regulation shall be used. All herbicides shall be applied in accordance with regulations set by the California Department of Pesticide Regulation and used according to labeled instructions. Only herbicides and surfactants registered for aquatic use may be applied within the banks of the stream channel. Precautions shall be used to avoid contact of herbicide with native and non-target plant species. Use of herbicides within the banks of the stream channel shall be limited to the period between June 15 and October 15. There shall be no application of

herbicide directly into water. Herbicide application shall not occur when wind conditions may result in drift. Herbicide solution shall be applied only until there is a wet appearance on the target plants to avoid runoff.

- 2.28 Staging of Materials. Staging and storage areas for vehicles, equipment, and any other materials shall be located outside of the stream channels and banks. Stationary equipment such as motors, pumps, generators, compressors, and welders, located within or adjacent to the stream channels shall be positioned over drip-pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream channels shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Vehicles shall be moved a minimum of 65 feet away from any stream channels prior to refueling and lubrication.
- 2.29 Hazardous Materials. Debris, soil, silt, bark, rubbish, slash, sawdust, 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, resulting from project-related activities, shall be prevented from contaminating the soil and/or entering the waters of the State. Any of these materials, placed within or where they may enter a stream or lake, by Permittee or any party working under contract, or with the permission of the Permittee, shall be removed immediately. All chemicals stored in staging areas shall be stored in secondary containment with no less than 110% capacity. Proper storage and security shall be implemented to ensure that chemicals are not spilled or vandalized.
- 2.30 Frac-Out Contingency Plan. Permittee shall design, pre-plan and direct the horizontal directional drilling operations in such a way as to minimize the risk of spills of all types. At least 30 days prior to horizontal directional drilling operations, Permittee shall provide to CDFW for review and approval, a frac-out contingency plan to address the possibility of the release of drilling lubricants through fractures in the streambed or bank ("frac-outs"). The plan shall be on site at all times and all contractors shall have pre-arranged duties in case of a frac-out. Cleanup equipment shall be on site prior to the start of operations. In case of a frac-out, all drilling shall cease, and all personnel shall implement the cleanup contingency plan. Operations shall not resume until the frac-out is located, contained, and cleaned up. CDFW shall be notified on every frac-out immediately. Notification shall be made to Tami Schane, Environmental Scientist, by email (tami.schane@wildlife.ca.gov) or by phone (415) 831-4640. Directional drilling shall not resume until approved by CDFW.
- 2.31 Drilling Mud. At no time shall drill cuttings, drilling mud, and/or materials or water contaminated with bentonite or any other substance deemed deleterious to fish or wildlife be allowed to enter the stream or be placed where they may be washed into the stream. Any contaminated water/materials from the drilling and/or project

activities shall be pumped or placed into a holding facility and removed for proper disposal. Discharge or release of any contaminant, including drilling fluid, into a waterway is prohibited by Fish and Game Code 5650, except as authorized by Fish and Game Code 5650(b).

- 2.32 Spill Kits. Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use.
- 2.33 No Dumping of Litter or Debris. There shall be no dumping of litter or construction debris within the channel, riparian zone, or adjacent marsh. All litter, debris, and waste shall be picked up daily and properly disposed at an appropriate site.
- 2.34 Concrete Use Near Waterways. Poured concrete, including grout associated with rock riprap, and any runoff exposed to poured concrete shall be excluded from stream flows and the wetted channel for a minimum period of 30 days after it is installed. During that time the concrete shall be kept moist, and runoff from the concrete shall not be allowed to enter a waterway. Sealant or curing accelerant may be applied to the poured concrete surface or slurry where difficulty in excluding water flow from the uncured concrete surface for a long period may occur; however, pH testing of water exposed to uncured concrete shall be performed to ensure that the pH range shall remain between 6.5 and 8.3. Any sealant or accelerant to be used shall first have the material safety data sheets (MSDS) for all active chemical ingredients submitted and accepted by CDFW before application in construction. All MSDS shall include environmental toxicity information. If sealant is used, water shall be excluded from the site until the sealant is dry.

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 Mitigation and Monitoring Plan. At least 30 days prior to the start of project activities, Permittee shall submit to CDFW for review and written approval, an updated Mitigation and Monitoring Plan (MMP) to replace the Draft MMP (*San Francisquito Creek Flood Reduction, Ecosystem, Restoration, and Recreation Mitigation and Monitoring Plan*, dated December 2015) that was submitted to CDFW via email on December 17, 2015. The updated MMP shall reflect the current project description, including an updated assessment of temporary, semi-permanent, and permanent impacts as described in this Agreement and associated Exhibits, and associated compensatory mitigation for each habitat type, such as habitat creation, restoration and levee enhancements. The updated MMP shall include revegetation details, including but not limited to, species composition, planting locations, plant palettes, hydroseeding methods, irrigation requirements, contingency measures, plant establishment periods, revegetation monitoring, performance standards, and success criteria for percent cover, survivorship,

health and vigor ratings, and non-native vegetation cover. The planting plan for levee enhancements around the Faber Tract shall include linear feet and acreage of vegetation removal and planting; planting species palette; planting densities; and success criteria. The updated MMP shall also include a detailed description of mitigation associated with impacts to special-status species habitat such as invasive plant species removal, installation of passage features for steelhead, and upland refugia mounds in the Faber Tract for California Ridgway's rail.

- 3.2 Temporary, Semi-Permanent, and Permanent Impacts. CDFW defines temporary impacts as those impacts where habitat at the impact site can be fully restored to pre-project conditions, values, and functions within one year of impact. CDFW defines semi-permanent impacts as those impacts where habitat at the impact site can be fully restored to pre-project conditions, values, and functions within two years of impact. CDFW defines permanent impacts as those impacts where habitat at the impact site either cannot be restored, due to permanent removal of habitat, or where habitat at the impact site will require greater than two years to be restored to pre-project conditions, values, and functions relative to time of impact.
- 3.3 Temporary Wetland and Channel Impact Mitigation. Temporary impacts to 4.47 acres of wetland and channel habitat (0.80 acres of diked marsh, 1.33 acres of tidal salt marsh, and 2.34 acres of tidal channel), shall be compensated at a minimum ratio of 1:1. Passive restoration methods may be used if they will result in the site meeting the definition of a temporary impact per Measure 3.2. The updated MMP (refer to Measure 3.1) shall include measures to actively restore the site if passive restoration is not successful.
- 3.4 Permanent Wetland and Channel Impact Mitigation. Permanent impacts to 5.60 acres of wetland and channel habitat (2.33 acres of diked marsh, 3.18 acres of tidal salt marsh, and 0.09 acres of tidal channel), shall be compensated at a minimum ratio of ratio of 2:1 through the installation of 11.2 acres of tidal marsh plantings. Plantings shall include approximately 7.63 acres of native high marsh plantings, 6.64 acres of high marsh/transition zone plantings, and 0.87 acre of high marsh/transition zone seed mix. Permittee shall include a planting plan (including species palette, planting densities, and success criteria) in the updated MMP (see Measure 3.1).
- 3.5 Riparian Tree Mitigation. In consideration of the dominance of non-native and invasive species within the project impact area, the fact that riparian trees did not historically occur within the project area, and to minimize perching opportunities for avian predators in the salt marsh habitat, loss of native and non-native riparian trees shall be compensated by a combination of out-of-kind/on-site mitigation and in-kind/off-site mitigation. Loss of 0.57 acres of riparian habitat shall be mitigated out-of-kind and on-site at a 2:1 ratio with restoration of 1.14 acres of tidal wetland which historically occurred within the project area. To fully meet the mitigation required to compensate for the loss of riparian trees, trees shall also be replaced

off-site at an appropriate location(s) as described in the updated MMP. The following tree replacement ratios shall apply:

- 3.5.1 Native tree species (except for oak) measuring 2-6 inches dbh shall be replaced with native tree species at a minimum ratio of 1:1 (trees replaced: trees impacted).
- 3.5.2 Native tree species (except for oak) measuring 7-30 inches dbh shall be replaced with native tree species at a minimum ratio of 3:1 (trees replaced: trees impacted).
- 3.5.3 Native tree species (except for oak) measuring greater than 30 inches dbh shall be replaced with native tree species at a minimum ratio of 5:1 (trees replaced: trees impacted).
- 3.5.4 Native oak trees measuring less than 13 inches dbh shall be replaced with similar native oak trees at a minimum ratio of 5:1 (trees replaced: trees impacted).
- 3.5.5 Native oak trees measuring 13-18 inches dbh shall be replaced with similar native oak trees at a minimum ratio of 8:1 (trees replaced: trees impacted).
- 3.5.6 Native oak trees measuring greater than 18 inches dbh shall be replaced with similar native oak trees at a minimum ratio of 10:1 (trees replaced: trees impacted).
- 3.5.7 Native trees removed from the mitigation sites associated with the Santa Clara Valley Water District's Matadero/Barron Creeks Long-Term Remediation Project and the City of Palo Alto's Pump Station Project shall be replaced at a minimum ratio of 6:1.

CDFW will consider installation of replacement tree plantings at an off-site location, to be described in the updated MMP and subject to CDFW approval. The updated MMP shall also include an updated assessment identifying the impacted riparian trees by species, dbh range, project element, and an updated planting plan (including species palette, planting densities, and success criteria).

- 3.6 Irrigation. Supplemental watering shall be used as necessary to establish and maintain plant growth in order to meet success criteria. Irrigation shall be done in the most water efficient manner possible, such as using hand watering, drip/micro-irrigation, or through the use of a time release system.
- 3.7 Phytophthora. Permittee shall implement measures to avoid using plant stock that may be infected with the plant pathogen *Phytophthora* sp. Measures to avoid contamination with *Phytophthora* sp. may include, but are not limited to, avoiding collection of propagules from 1) known or likely infected areas; 2) during wet conditions; 3) when soil is muddy; or 4) from within 0.5 meters of the soil surface. Measures may also include implementing heat or chemical treatments to collected seeds prior to installation. Such measures shall be included in the planting plan in the updated MMP that shall be submitted to CDFW for review and approval (see Measure 3.1).

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

4.1 Annual Monitoring Report. Permittee shall provide to CDFW an annual monitoring report by February 1st of each year of monitoring until CDFW provides approval in writing that the Permittee's final mitigation success criteria have been achieved. The first annual monitoring report shall be due the first year after project completion.

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:

Len Materman
San Francisquito Creek Joint Powers Authority
615 B Menlo Avenue
Menlo Park, CA 94025
Phone (650) 324-1972
jpa@sfcjpa.org

To CDFW:

Department of Fish and Wildlife
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
Attn: Lake and Streambed Alteration Program – Tami Schane
Notification #1600-2013-0092-R3
Fax (415) 831-4640 (call same number ahead of time 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 (FGC section 1605(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.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall expire on December 31, 2020 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 included as exhibits to the Agreement and incorporated herein by reference.

- Exhibit A. (Figure 1 – Proposed Project Elements)
- Exhibit B. (Summary Table)
- Exhibit C. (Figures 1a-1d - Impacts to Wetlands and Other Waters)
- Exhibit D. (Tree Removal 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 FGC section 1602.

CONCURRENCE

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

**FOR SAN FRANCISQUITO CREEK JOINT
POWERS AUTHORITY**



Len Materman
Executive Director

February 8, 2016
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Craig Weightman
Environmental Program Manager

2/4/16
Date

Prepared by: Tami Schane
Environmental Scientist

Date Submitted: December 28, 2015

Date Revised: February 3, 2016

Date Revised: February 8, 2016

FOR DEPARTMENT USE ONLY

Date Received	Amount Received	Amount Due	Date Complete	Notification No.
3/15/13	\$ 4482.75	\$		1600-2013-0092-3



V#1047
San Francisquito Creek
JPA Capitol
Project Account

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

Schane
Lt. Nores
w/d Rodriguez



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	Kevin Murray		
Business/Agency	San Francisquito Creek Joint Powers Authority	Fish & Game	
Street Address	615 B Menlo Avenue	AUG 02 2013	
City, State, Zip	Menlo Park, CA 94025		
Telephone	650-324-1972	Fax	Yountville
Email	kmurray@sfcjpa.org		

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

Name	Matthew Jones, ICF International		
Street Address	75 East Santa Clara Street, Suite 300		
City, State, Zip	San Jose, CA 95113		
Telephone	408-216-2815	Fax	
Email	matthew.jones@icfi.com		

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

Name			
Street Address			
City, State, Zip			
Telephone		Fax	
Email			

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		San Francisquito Creek Flood Reduction, Ecosystem Restoration and Recreation Project		
B. Agreement Term Requested		<input checked="" type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)		
C. Project Term		D. Seasonal Work Period		E. Number of Work Days
Beginning (year)	Ending (year)	Start Date (month/day)	End Date (month/day)	
2013	2018	09/01	09/01	652 (See Table 3 of Response Letter)

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 checked="" type="checkbox"/> Standard (Most construction projects, excluding the categories listed below)
B.	<input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A) Mine I.D. Number: _____
C.	<input type="checkbox"/> Timber Harvesting (Attachment B) THP Number: _____
D.	<input type="checkbox"/> Water Diversion/Extraction/Impoundment (Attachment C) SWRCB Number: _____
E.	<input type="checkbox"/> Routine Maintenance (Attachment D)
F.	<input type="checkbox"/> CDFW 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	SAN FRANCISQUITO CREEK FLOOD REDUCTION, ECOSYSTEM RESTORATION, AND RECREATION PROJECT	21,588,800	4,482.75
2			
3			
4			
5			
		D. Base Fee (if applicable)	
		E. TOTAL FEE ENCLOSED	4,482.75

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: _____ Notification Number: _____ Date: _____

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

PROJECT LOCATION

A. Address or description of project location.

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

The project is located in southeastern San Mateo County and northwestern Santa Clara County, on the eastern edge of East Palo Alto. The 263.5-acre action area is situated in an alluvial plain, alluvial fan, and tidal marsh area. The Palo Alto Municipal Golf Course (Golf Course) and Palo Alto Airport are adjacent to the eastern and southern boundaries of the action area. San Francisco Bay is to the east, and residential areas and tidal marshes are to the north. The western edge is formed by East Bayshore Road. San Francisquito Creek enters the action area immediately east of U.S. 101. Consistent with its setting, much of the Creek's length within the action area has been straightened, channelized, or otherwise improved for flood protection, although it remains unlined within constructed levees.

Additional detail previously submitted.

Continued on additional page(s)

B. River, stream, or lake affected by the project. | San Francisquito Creek

C. What water body is the river, stream, or lake tributary to? | San Francisco Bay

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 | San Mateo County and Santa Clara County

F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Palo Alto	N/A	N/A	N/A	N/A
Mountain View	N/A	N/A	N/A	N/A
See 8G, 8H, and 8I of the Response Letter				

Continued on additional page(s)

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

L. Assessor's Parcel Number(s)

N/A

Continued on additional page(s)

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

Latitude/Longitude	Latitude: 37 27' 11"		Longitude: 122 07' 11"	
	<input checked="" 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 checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat dock/pier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion structure – weir or pump intake	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Levee	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Low water crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road/trail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment removal – pond, stream, or marina	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary stream crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility crossing : Horizontal Directional Drilling	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jack/bore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Open trench	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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 Project's goals are to improve flood protection, habitat, and recreational opportunities within the Project reach. Increasing the Creek's capacity from San Francisco Bay to East Bayshore Road would be achieved by the following activities that are described in detail on the addition pages of this notification:

- *)Degrading a portion of an unmaintained levee downstream of Friendship Bridge to allow flood flows from the Creek channel into the Palo Alto Baylands Preserve north of the Creek.
- *)Excavating sediment deposits within the channel to maximize conveyance.
- *)Rebuilding levees and relocating a portion of the southern levee to widen the channel to reduce influence of tides and increase channel capacity.
- *)Constructing floodwalls in the upper reach to increase capacity and maintain consistency with Caltrans' enlargement of the U.S. 101/East Bayshore Road Bridge over San Francisquito Creek (Caltrans facility).

See Section 10 of the Response Letter Supplement.

Continued on additional page(s)

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

See Table 3 in the Response Letter Supplement

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.

See Section 10 of the Response Letter Supplement

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 the Response Letter Supplement 11.B-1 and 11.B-2	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 Appendix B of the Mitigation and Monitoring Plan	Between 162 and 256	
(Attachment D)	See Mitigation and Monitoring Plan 5.5	
	Impacts to Trees (Attachment H)	

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 Section 11C of the Response Letter.

Continued on additional page(s)

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

Previously submitted.

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

2. 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.

See the Best Management Practices Handbook (Attachment E).

Continued on additional page(s)

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

See the Best Management Practices Handbook (Attachment E).

Continued on additional page(s)

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

See the Mitigation and Monitoring Plan (Attachment D).

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. 401 Water Quality Certification Applied Issued
- B. 404 Individual Permit Applied Issued
- C. BCDC Regionwide Permit 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

<p>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)?</p> <p><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)</p> <table style="width:100%; border: none;"> <tr> <td style="width:33%; border: none;"><input type="checkbox"/> Notice of Exemption</td> <td style="width:33%; border: none;"><input type="checkbox"/> Mitigated Negative Declaration</td> <td style="width:33%; border: none;"><input type="checkbox"/> NEPA document (type): _____</td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/> Initial Study</td> <td style="border: none;"><input checked="" type="checkbox"/> Environmental Impact Report</td> <td style="border: none;"><input type="checkbox"/> CESA document (type): _____</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Negative Declaration</td> <td style="border: none;"><input type="checkbox"/> Notice of Determination (Enclose)</td> <td style="border: none;"><input type="checkbox"/> ESA document (type): _____</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> THP/ NTMP</td> <td style="border: none;"><input type="checkbox"/> Mitigation, Monitoring, Reporting Plan</td> <td></td> </tr> </table>				<input type="checkbox"/> Notice of Exemption	<input type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/> NEPA document (type): _____	<input checked="" type="checkbox"/> Initial Study	<input checked="" type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> CESA document (type): _____	<input type="checkbox"/> Negative Declaration	<input type="checkbox"/> Notice of Determination (Enclose)	<input type="checkbox"/> ESA document (type): _____	<input type="checkbox"/> THP/ NTMP	<input type="checkbox"/> Mitigation, Monitoring, Reporting Plan	
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<input type="checkbox"/> Negative Declaration	<input type="checkbox"/> Notice of Determination (Enclose)	<input type="checkbox"/> ESA document (type): _____													
<input type="checkbox"/> THP/ NTMP	<input type="checkbox"/> Mitigation, Monitoring, Reporting Plan														
B. State Clearinghouse Number (if applicable)		2010092048													
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	U.S. Army Corps of Engineers														
E. Contact Person	Ian Liffmann	F. Telephone Number	(415) 503-6769												
G. If the project described in this notification is part of a larger project or plan, briefly describe that larger project or plan.															
<p>The Palo Alto Municipal Golf Course (Golf Course) Reconfiguration Project is an effort being undertaken by the City of Palo Alto, in response to the planning of this Project, to determine how to reconfigure the Golf Course to accommodate the San Francisquito Creek Flood Protection and continue to maintain the Golf Course's number of holes and par rating. The Golf Course Project also contemplates other recreational improvements at the Golf Course site. For more information on the Palo Alto Municipal Golf Course Reconfiguration Project, see the Golf Course web page at http://www.cityofpaloalto.org/gov/depts/csd/golf/default.asp.</p> <p align="right"><input type="checkbox"/> Continued on additional page(s)</p>															
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)													
NOD and County Receipts Attached															
<p><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></p>															

15. SITE INSPECTION

<p>Check one box only.</p>
<p><input 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.</p> <p><input checked="" type="checkbox"/> I request the Department to first contact (insert name) <u>Kevin Murray</u> at (insert telephone number) <u>650-324-1972</u> 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.</p>

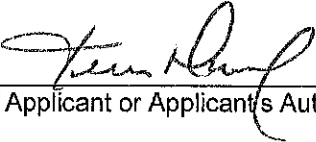
NOTIFICATION OF LAKE OR STREAMBED ALTERATION

16. DIGITAL FORMAT

Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?
<input checked="" type="checkbox"/> Yes (Please enclose the information via digital media with the completed notification form)
<input type="checkbox"/> 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	<u>3/4/13</u> _____ Date
_____ 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: San Francisquito Creek Flood Reduction, Ecosystem Restoration and Recreation Project

STATE CLEARINGHOUSE NUMBER: 2010092048

LEAD AGENCY: San Francisquito Creek Joint Powers Authority
CONTACT: Kevin Murray


RESPONSIBLE AGENCY: California Department of Fish and Wildlife
CONTACT: Tami Schane, Environmental Scientist

PROJECT DESCRIPTION / LOCATION: The Applicant proposes to *construct flood reduction facilities along an approximately 1.5-mile stretch of San Francisquito Creek from East Bayshore Road to the San Francisco Bay. The purpose of the project is to improve channel capacity, coupled with the influence of San Francisco Bay tides, including projected sea-level rise. Elements include the construction of floodwalls, widening and relocation of existing levees, sediment removal, extension of the Friendship Bridge, and marshplain creation and restoration. The project is located along San Francisquito Creek, on the eastern edge of East Palo Alto in southeastern San Mateo County and northwestern Santa Clara County.* The California Department of Fish and Wildlife (CDFW) is executing a Lake and Streambed Alteration Agreement Number 1600-2013-0092-R3 pursuant to Section 1602 of the Fish and Game Code to the project Applicant, *Len Materman/ San Francisquito Creek Joint Powers Authority.*

This is to advise that the California Department of Fish and Wildlife as a Responsible Agency approved the project described above on *February 9, 2016* 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: *San Francisquito Creek Joint Powers Authority*, 615B Menlo Avenue, Menlo Park, CA 94025 on weekdays during normal business hours.



Craig J. Weightman
Environmental Program Manager
Bay Delta Region

February 9, 2016

Date

Date Received for Filing: _____