



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



December 14, 2015

Rich Marovich
Solano County Water Agency
810 Vaca Valley Parkway, Suite 203
Vacaville, CA 95688
rmarovich@scwa2.com

Subject: Final Lake or Streambed Alteration Agreement
Notification No. 1600-2015-0130-R3
NAWCA 3 Project

Dear Mr. Marovich:

Enclosed is the final Streambed Alteration Agreement (Agreement) for the NAWCA 3 (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) on the same date it signed the Agreement. The NOD was based on information contained in the Mitigated Negative Declaration and subsequent addendum the lead agency prepared for the Project.

Under CEQA, filing a NOD starts a 30-day period within which a party may challenge the filing agency's approval of the project. You may begin your project before the 30-day period expires if you have obtained all necessary local, state, and federal permits or other authorizations. However, if you elect to do so, it will be at your own risk.

If you have any questions regarding this matter, please contact Ms. Lorie Hammerli, Environmental Scientist, at (707) 944-5568 or lorie.hammerli@wildlife.ca.gov.

Sincerely,

Craig J. Weightman
Environmental Program Manager
Bay Delta Region

cc: Mark Snyder: Msnyder@scwa2.com
Lieutenant Longwell
Warden Bolla

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BAY DELTA REGION

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STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2015-0130-R3

Putah Creek

SOLANO COUNTY WATER AGENCY

NAWCA 3- LOWER PUTAH CREEK FLOODPLAIN RESTORATION

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Solano County Water Agency (Permittee) as represented by Rich Marovich.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on April 29, 2015, 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 on Putah Creek off of Putah Creek Road between Johnson Road and Boyce Road east of the City of Winters, Solano County, State of California; Latitude 38.525725 N Longitude -121.950109 (decimal degrees from center); Township 8N, Range 1W, Section 22/23, U.S. Geological Survey (USGS) map Winters, Mt. Diablo meridian, Assessors Parcel Numbers 103-16-04, 103-24-16, 103-24-17, and 038-07-12 (Exhibit 1).

PROJECT DESCRIPTION

The project will restore approximately 2,000 linear feet (14.03 acres) of Putah Creek from approximately Johnson Road to Boyce Road. The project is contiguous with Phases 1-3 of the Winters Putah Creek Nature Park Channel Realignment Project (No. 1600-2011-0010-R2). The project will isolate the flow of Putah Creek from construction areas; clear and grub marked vegetation on existing terraces; grade terraces to functional floodplain elevation; fill and/or narrow an existing split channel and add root wad revetments to provide for a narrower, meandering channel; create a side channel with spawning gravels; remove and control invasive plant species; and plant native vegetation (Exhibit 2).

Approximately 14 acres of the existing floodplain will be graded to a uniform 1-2 percent slope from approximately 18 inches above the low-flow water surface elevation. To realign the low-flow channel from a split configuration to a single channel alignment, approximately 2,000 linear feet (1.13 acres) of channel will be filled with an estimated 28,300 cubic yards of material, and 790 linear feet (0.25 acres) of channel will be created. Approximately 150 cubic yards of clean mixed grade river gravel will be added for habitat enhancement. Root wads will be harvested on-site and used for channel revetments and in-stream habitat features. Approximately 238 native and non-native tree species will be removed from the project area to facilitate grading activity. Flow will be completely diverted into the newly created channel prior to filling the abandoned channel.

On site Restoration will include: the removal of non-native invasive plant species, revegetation with native grass, planting approximately 500 native trees and 70 shrubs. Plantings will consist of one and two gallon pots of native species found within the watershed. Tree and shrub species will include: valley oak (211 trees), white alder, Oregon ash, box elder, sycamore, coffeeberry, toyon, California rose, mulefat, red willow, arroyo willow, Goodding's willow, California buckeye, and Fremont's cottonwood.

Grading and excavation is expected to take approximately 30 days and will use an excavator, backhoe, dump truck, and various service vehicles.

PROJECT IMPACTS

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

- Swainson's hawk (*Buteo swainsoni*),
- western pond turtle (*Actinemys marmorata*),
- valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*),
- Chinook salmon (central valley fall/late fall run) (*Oncorhynchus tshawytscha*),
- riparian habitat
- nesting and migratory birds,
- aquatic and terrestrial species

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

- disturbance of nesting migratory birds, raptors, and other wildlife
- increased bank erosion during construction
- increased turbidity
- disturbance from project activity
- short term release of contaminants
- loss of natural bed or bank
- change in contour of bed, channel or bank
- change in gradient of bed, channel or bank
- change in channel cross-section
- loss of bank stability during construction
- soil compaction or other disturbance to soil layer
- loss or decline of riparian and/or emergent marsh habitat
- change to, or loss or decline of natural bed substrate
- direct take of terrestrial species
- diversion of flow water from, or around, activity site

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 Notify CDFW Staff Before Beginning Work. Permittee shall notify CDFW, in writing, at least five (5) calendar days prior to initiation of construction (project) activities and at least five (5) calendar days prior to completion of construction (project) activities. Initial notification shall include the name(s) and contact information of the person(s) overseeing the project site as well as a project schedule that includes the start date and estimated end date, weekly work days and hours of operation. Notification shall be made via e-mail at lorie.hammerli@wildlife.ca.gov.
- 1.6 Photographs. Prior to commencement of work within the stream zone, the Permittee shall photograph the project site. Upon completion of work and revegetation activities, the Permittee shall photograph the project site. Labeled copies of photographs shall be sent to the CDFW per Measure 4.1.

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.

Work Periods and Planning

- 2.1 Work period. Work within the project area as described in the project description shall be confined to the period of June 15 to October 15 or the first significant rain event (0.25 inches or greater) whichever is later. The project area is defined as the bed, bank, channel, and associated riparian habitat. Revegetation work conducted outside of the active channel or with hand tools is not confined to this work period.
- 2.2 Work Period in Dry Weather Only- Check Forecast. Work within the stream zone shall be restricted to periods of no or low stream flow and dry weather. Precipitation forecasts and potential increases in stream flow shall be considered when planning Project activities. Project activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation. Project activities halted due to precipitation may resume when precipitation ceases and the National Weather Service (NWS) 72-hour weather forecast indicates a 30 percent or less chance of precipitation. No work shall occur during a dry-out period of 24 hours after the above referenced wet weather. Weather forecasts shall be documented and provided upon request by CDFW.
- 2.3 Work Period Modification. If Permittee needs more time to complete Project activities, the work may be permitted outside of the work period and extended on a day-to-day basis by the CDFW representative who reviewed the Project, Lorie Hammerli, at 707-944-5568 or lorie.hammerli@wildlife.ca.gov, or if unavailable, through contact with the CDFW Bay Delta Regional office by mail, phone (707-944-5500) or fax (707-944-5553).

Permittee shall submit a written request for a work period variance to the CDFW Bay Delta Office. The work period variance request shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; and 4) provide photographs of both the current work completed and the proposed site for continued work. Work period variances are 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 ten (10) calendar days to review the proposed work period variance.

- 2.4 Work Start and End Dates. Permittee shall notify CDFW in writing of the dates of commencement and completion of each covered activity within five (5) working days prior to commencement and following completion. See contact information below.
- 2.5 Work Period in Dry Weather Only- Erosion Control. In accordance with weather restrictions described in Measures 2.1 and 2.2, if a phase of the Project may cause the introduction of sediments into the stream(s), then no phase of the Project shall be started unless all work for that phase and all associated erosion control measures are completed prior to the onset of precipitation.
- 2.6 Work According to Plans. Permittee shall conduct all work within CDFW jurisdiction according to the Project Description stated above as well as the Notification documentation submitted to CDFW on April 29, 2015, entitled *NAWCA 3-Lower Putah Creek Floodplain Restoration Project*. If the Permittee finds it necessary to update project plans prior to construction, the updated plans will be submitted to CDFW at least 30 days prior to beginning project activities to determine if an Amendment to this Agreement is required. At the discretion of CDFW, minor plan modifications may require an amendment to this Agreement. At the discretion of the CDFW, if substantial changes are made to the original plans this Agreement becomes void and the Permittee shall submit a new notification.

Wildlife Protection and Prevention - Special Status Species

- 2.7 Listed species. The project site has been identified as an area that is potentially inhabited by species listed under the federal Endangered Species Act and/or the California Endangered Species Act. This agreement does not authorize for the take, or incidental take of any State or Federal listed threatened or endangered listed species. The Permittee is required, as prescribed in these laws, to consult with the appropriate agency prior to commencement of the project.
- 2.8 Designated Biologist. At least fifteen (15) days before initiating ground- or vegetation-disturbing activities, the Permittee shall submit to the CDFW in writing the name, qualifications, business address, and contact information for a biological monitor (Designated Biologist). Permittee shall obtain CDFW's written approval of the Designated Biologist prior to the commencement of project activities in the stream. The Designated Biologist shall be knowledgeable and experienced in the biology and natural history of local fish and wildlife resources present at the project site. The Designated Biologist shall be responsible for monitoring all project activities, including construction and any ground- or vegetation-disturbing activities in areas subject to this agreement.

2.9 On-site Education. Permittee shall conduct an education program for all supervisory personnel employed or otherwise working on the project site prior to performing any work on-site. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology of the habitats and species identified in this Agreement and present at this site. The Designated Biologist shall also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations and project-specific protective measures included in this Agreement. Interpretation shall be provided for non-English speaking supervisors, and the same instruction shall be provided for any new supervisors prior to their performing work on-site.

2.10 Breeding Bird Survey Before Commencement. If vegetation removal or other project-related improvements are scheduled during the nesting season of protected raptors and migratory birds (typically February 15 to August 15), a focused survey for active bird nests shall be conducted by a Designated Biologist (as determined by a combination of academic training and professional experience in biological sciences and related resource management activities) within 10 days prior to the beginning to project-related activities. The results of the survey shall be submitted to CDFW. If active nest are found, the Permittee shall consult with CDFW and the United States Fish & Wildlife Service (FWS) regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and the Fish & Game Code of California, section 3503. If a lapse in project-related work of 10 days or longer occurs, another focused survey and if required, consultation with CDFW and FWS, will be required before project work can be reinitiated.

2.11 Swainson's hawk (*Buteo swainsoni*) Survey Protocol. If Project activities are scheduled during the Swainson's hawk nesting season (typically, March 1 to August 31) a survey for active nests shall be conducted by a Designated Biologist. Surveys shall follow the *Swainson's hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (available at https://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html).

To complete the required surveys prior to the authorized Work Periods (Measure 2.1) surveys shall be initiated on or before March 1, with a minimum of three (3) surveys conducted in Survey Period's II and III. If active nests (defined as occupied within the past ten (10) years) are found, the Permittee shall consult with CDFW and the U.S. Fish & Wildlife Service (FWS) regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and Fish and Game Code sections 3503 and 3503.5. This Agreement does not authorize the removal of an active Swainson's hawk nest tree.

- 2.12 Bat Avoidance. The Designated Biologist shall conduct a habitat assessment for bats at work sites where structures and/or trees would be removed or otherwise disturbed. The habitat assessment shall include a visual inspection of features within 50 feet of the work site for potential roosting features (bats need not be present) no more than 48 hours prior to disturbance of such features. Habitat features found during the survey shall be flagged or marked. If bat habitat is detected during the habitat assessment, CDFW shall be notified immediately. CDFW reserves the right to provide additional provisions to this agreement in the event that roosting bats are found. Permittee shall not attempt to directly disturb (e.g. shake, prod) roosting features, as such disturbance constitutes "harassment" under Fish and Game Code.
- 2.13 Preconstruction Survey – Western Pond Turtle. A preconstruction survey for western pond turtles by the Designated Biologist will occur prior to beginning work. This will include a focused survey for adult turtles and nest site searches. Any adults found within the work area will be relocated to suitable off-site habitat by the Designated Biologist. Nest sites discovered during the preconstruction survey or anytime during construction will be avoided until vacated, as determined by a Designated Biologist. On-going monitoring during construction will occur to ensure turtles have not moved back into the area and that they are not being impacted by activities.
- 2.14 Valley Elderberry Longhorn Beetle. Permittee/contractor shall install highly-visible fencing and flagging to protect elderberry plants that are located within or adjacent to each Project area prior to Project-related activities. Each elderberry plant shall be protected with a minimum 100-foot buffer unless the US Fish and Wildlife provides written authorization of a modified buffer size. At the mitigation site, no tree planting shall occur within a minimum 20-foot buffer surrounding existing elderberry plants.

Wildlife Protection and Prevention –Aquatic Resources

- 2.15 No equipment in stream. No equipment shall be operated within the live stream.
- 2.16 No Excavation in Stream. No excavation in the portion of the stream bed where flowing water is present or anticipated during the term of this agreement without prior written approval from CDFW.
- 2.17 Water Diversion. For Diversions utilizing the new channel: the old channel shall be plugged at the upstream end to divert the streamflow into the new channel. Once the Diversion is complete, the downstream outlet of the old channel will be plugged. For diversions utilizing an existing branch of the braided channel: The branch of channel to be filled shall be plugged at the upstream end to divert the streamflow into the opposite branch. Once the

Diversion is complete, the downstream outlet of the plugged branch will also will be plugged. Diversion plugs shall consist of locally sourced wood, clean gravel, and fill material.

- 2.18 Gravity Flow Through Work Site. Stream flow shall be diverted using gravity flow through temporary culverts/pipes.
- 2.19 Diversion Pipe Size. Diversion pipes through the work site shall be at least 1 foot in diameter. The diversion culvert diameter should be selected to maintain at least 3/10 of a foot depth (or natural stream flow, whichever is less at the time of construction) through the culverts in order to provide downstream passage of juvenile salmonids. Enough parallel sections of pipe shall be used to ensure that there is no detectable increase in water surface elevation upstream of the work pad and that there is no significant increase or decrease in water velocity beyond that which occurs naturally.
- 2.20 Dewater Work Site. Once water has been diverted around the work area the work site shall be dewatered. The site shall be dewatered as necessary to provide an adequately dry work area. Work site dewatering can be accomplished using pumps and or siphons.
- 2.21 Turbid Water. Water from isolated channels that require dewatering will be used for dust control, and/or allowed to settle before being returned to the creek.
- 2.22 Screen According to Existing Standards. The inlets of the dewatering pump structure shall be fitted with fish screens meeting the "fry-size" criteria of CDFW and the National Marine Fisheries Service before water is pumped from within the coffer dams (see screening criteria at: http://www.westcoast.fisheries.noaa.gov/publications/reference_documents/reference_documents.html).
- 2.23 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.
- 2.24 Stranded Aquatic Life. The Designated Biologist 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. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern.

Wildlife Protection and Prevention – General

- 2.25 Staging Areas. Staging areas shall be located outside the riparian area or surrounded by a containment barrier, such as a dirt berm or silt fence.
- 2.26 Allow Wildlife To Leave Unharmd. Permittee shall allow any wildlife encountered during the course of construction to leave the construction area unharmd. This authorization does not allow for the trapping, capture, or relocation of any state or federally listed species.
- 2.27 Prohibition Against Use of Plastic Netting in Erosion Control Measures. Permittee shall not use temporary or permanent erosions control devices containing plastic netting, including photo- or bio-degradable plastic netting. Erosion control and landscaping specifications shall only allow only natural fiber for use in erosion control mats, blankets, and straw or fiber wattles.
- 2.28 Demarcate Work Area Boundary. In consultation with the Designated Biologist, the Permittee shall demarcate the outer perimeter of the work area to prevent damage to adjacent habitat and to provide visual orientation to its limits. Marking shall be in place during all periods of operation. All persons employed or otherwise working on the project site shall be instructed about the restrictions that the marking represents.
- 2.29 Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, and/or barriers from the project site and vicinity of the stream upon completion of project activities.

Construction Avoidance/Minimization Measures

- 2.30 Hydrologist/Geomorphologist Oversight. All rocks and woody debris to be placed within the channel shall be appropriately sized and designed, and individually selected by the Hydrologist/Geomorphologist.
- 2.31 Designer Geomorphologist Oversight. The project designer shall be on site daily during critical construction phases to ensure that the upstream and downstream join locations, elevations, grades, slopes, and structures are constructed/placed according to plans.
- 2.32 Staging Equipment. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the stream banks. Heavy equipment shall be limited to the existing maintenance access roads. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream channel and riparian area shall be positioned over drip-pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream channel and riparian areas must be checked and maintained daily to prevent leaks of materials that if introduced

to water could be deleterious to aquatic life. If necessary to refuel vehicles or equipment on site, refueling shall be done within the staging area.

Vegetation Protection and Replacement

- 2.33 Tree Removal. Only trees identified in the Notification (*Tree Impacts Map*) shall be removed. Trees identified for removal shall be clearly marked with a highly visible marking around the entire circumference of the trunk (flagging, spray paint, etc). Wherever feasible, cutting of trees shall be at ground level, with the root mass left in place to maintain bank stability and allow for potential re-growth.
- 2.34 Vegetation Protection. Prior to the commencement of project activities, the Designated Biologist shall clearly mark vegetation within the work area that is not to be removed or shall place temporary barriers five (5) feet from the drip line of the protected vegetation to prevent impact from project activities.
- 2.35 Vegetation Success. To ensure a successful revegetation effort, all plants shall be monitored and maintained as necessary for five years. All planting shall have a minimum of 80% survival at the end of 5 years and shall attain 70% cover after three years and 75% coverage after 5 years.
- 2.36 Irrigation. When supplemental watering is used 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/microirrigation or through the use of a time release system (for example, DriWater®).
- 2.37 Revegetation Remediation. If revegetation survival and/or cover requirements do not meet established goals, Permittee is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for five years after planting.
- 2.38 Native Plant Materials Required. Revegetation shall include only local plant materials native to the project area, unless otherwise approved by CDFW in writing.
- 2.39 Prohibited Plant Species. Permittee shall not plant, seed or otherwise introduce invasive exotic plant species. Prohibited exotic plant species include those identified in the California Exotic Pest Plant Council's database, which is accessible at: <http://www.cal-ipc.org/ip/inventory/weedlist.php>.

- 2.40 Vegetation Protection. Prior to the commencement of project activities, the Designated Biologist shall clearly mark vegetation within the work area that is not to be removed or shall place temporary barriers five (5) feet from the drip line of the protected vegetation to prevent impact from project activities.

Herbicide Use

- 2.41 Herbicides. Permittee shall only use herbicides registered with the California Department of Pesticide Regulation (DPR). All herbicides shall be applied in accordance with regulations set by DPR, and used according to labeled instructions. Labeled instructions for the herbicide used shall be made available to CDFW upon request. No impacts shall occur to any adjacent native vegetation. Use of herbicides within the riparian corridor shall conform to limitations in the DPR PRESCRIBE database for protection of State and/or federally listed species-
<http://www.cdpr.ca.gov/docs/endspec/prescint.htm>. Pesticide mixing sites shall be located at existing road sites outside of jurisdictional waters and sensitive habitats.
- 2.42 Pesticide Buffer Zones. Permittee shall implement pesticide buffer zones adjacent to salmon supporting waters per the January 22, 2004, U.S. District Court Order in the case of Washington Toxics Coalition, et al. v. EPA. Prior to initiating any ground or aerial applications of pesticides within and adjacent to the Project area, Permittee shall review the Order for buffer zone requirements at the California Department of Pesticide Regulation's website:
<http://www.cdpr.ca.gov/docs/endspec/salmonid.htm>
- 2.43 Use of Pesticides in Potential Endangered Species Habitat. Prior to applying pesticides, Permittee shall verify that selected pesticides are not on an endangered species bulletin issued by the U.S. EPA. Bulletins are posted at:
<http://www.epa.gov/oppfead1/endanger/bulletins.htm>
- 2.44 Rodenticides and Insecticides. Permittee shall not use rodenticides and/or insecticides (except personal insect repellent) in the stream zone.

Erosion and Sediment Control

- 2.45 Erosion control. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from exposed slopes threatens to enter waters of the State. At no time shall silt laden runoff be allowed to enter the stream or directed to where it may enter the stream. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed
- 2.46 Disposal and Removal of Materials. All removed vegetation and debris shall be moved outside the normal high-water mark prior to inundation by water.

All removed vegetation and debris shall be disposed of according to State and local laws and ordinances.

- 2.47 Post Storm Event Inspection. After any storm event, Permittee shall inspect all sites scheduled to begin or continue construction within the next 72 hours. Corrective action for erosion and sedimentation shall be taken as needed. National Weather Service 72 hour weather forecasts shall be reviewed prior to the start of any phase of the project that may result in sediment runoff to the stream, and construction plans adjusted to meet this requirement. The National Weather Service forecast can be found at: <http://www.nws.noaa.gov>.
- 2.48 Location of Spoil Sites. Spoil sites shall not be located within a stream or locations that may be subjected to high storm flows, where spoil may be washed back into a stream, or where it may impact streambed habitat, aquatic or riparian vegetation.
- 2.49 Cover spoil piles. The Permittee shall have readily available plastic sheeting or visquine and will cover exposed spoil piles and exposed areas to prevent these areas from losing loose soil into the stream. These covering materials shall be applied when it is evident rainy conditions threaten to erode loose soils into the stream.
- 2.50 Clean-up. All construction debris and associated materials shall be removed from the work site upon completion of this project.
- 2.51 Treat exposed areas. All exposed/disturbed areas and access points within the stream zone left barren of vegetation as a result of the construction activities shall be restored by seeding with a blend of native erosion control grass seeds or covered in locally derived mulch, slash and/or brush. 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. Revegetation shall be completed as soon as possible after construction activities in those areas cease. Seeding placed after October 15 must be covered with broadcast straw, jute netting, coconut fiber blanket or similar erosion control blanket.

Equipment and Vehicles

- 2.52 Operating Equipment and Vehicle Leaks. Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat.
- 2.53 Stationary Equipment Leaks. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream shall be positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak.
- 2.54 Clean Up Equipment. Clean up equipment such as extra boom, absorbent pads, skimmers, shall be on site prior to the start of work within the stream zone.
- 2.55 Equipment Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the stream channel and banks.
- 2.56 Stockpiled Materials. Building materials and/or construction equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when measurable rain is forecasted.

Debris Materials and Waste

- 2.57 No Dumping. Permittee and all contractors, subcontractors, and employees shall not dump any litter or construction debris within the stream, or where it may pass into the stream.
- 2.58 Pick Up Debris. Permittee shall pick up all debris and waste daily.
- 2.59 Wash water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.

Toxic and Hazardous Materials

- 2.60 Toxic Materials. Any hazardous or toxic materials that could be deleterious to aquatic life that could be washed into the stream or its tributaries shall be contained in water tight containers or removed from the project site.
- 2.61 Hazardous Substances. 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 the stream by Permittee or any party working under contract, or with the permission of Permittee, shall be removed immediately.
- 2.62 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.

Spills and Emergencies

- 2.63 Spill Cleanup. Permittee shall begin the cleanup of all spills immediately. CDFW shall be notified immediately by the Permittee of any spills and shall be consulted regarding cleanup procedures. The Permittee shall have all spill clean-up equipment on site during construction.
- 2.64 Spill Containment. All activities performed in or near a stream shall have absorbent materials designated for spill containment and clean-up activities on-site for use in an accidental spill. The Permittee shall immediately notify the California Emergency Management Agency at 1-800-852-7550 and immediately initiate the clean-up activities. CDFW shall be notified by the Permittee and consulted regarding clean-up procedures.

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 Riparian Habitat Replacement/Enhancement. To compensate for the removal of trees, the Permittee shall replace all native trees greater than four (4) inches diameter (at breast height), removed as a result of proposed work activities, at a 4:1 ratio (trees planted/trees removed) with a combination of native trees (excluding black walnut) and/or appropriate understory and lower canopy plantings. Non-native trees (including black walnut) greater than four (4) inches in diameter shall be replaced at a 1:1 ratio. Replacement plantings shall consist of 1-2-gallon saplings; locally-collected seeds, stakes, or other suitable nursery stock, as appropriate and shall be native species to the area adapted to the lighting, soil and hydrological conditions at the replanting site.

3.2 Oak Tree Replacement Planting. Oaks trees (trees of the genus *Quercus*) removed within the jurisdiction of this Agreement shall be replaced at 6:1 replacement ratio.

Replacement oaks shall come from nursery stock grown from locally-sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they are planted. The trees should be able to survive the last two years of the five-year monitoring period without irrigation. During the five-year monitoring period, dead or dying trees shall be replaced with trees of the same species and size to achieve an 80% survival rate at the end of the five-year period. If an 80% survival rate is not achieved at the end of five-year monitoring period, all dead or dying trees at that time shall be replaced.

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1 Revegetation Success Reporting. The success and establishment of the trees, shrubs, and grasses that are planted shall be monitored for five years. Reports shall be submitted to CDFW by January 31 of years 1, 3, and 5 following planting. This report shall include the survival and percent cover of both tree and shrub species. The number by species of plants replaced, an overview of the re-vegetation effort, and the method used to assess these parameters shall also be included. Photos from designated photo stations shall be included.
- 4.2 Notification to the California Natural Diversity Database. If any special status species are observed in project surveys, Permittee or designated representative shall submit Natural Diversity Data Base (NDDB) forms to the NDDB for all preconstruction survey data within five (5) working days of the sightings, and provide to the CDFW's Regional office three (3) copies of the NDDB forms and survey maps.

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:

Richard Marovich
Solano County Water Agency
810 Vaca Valley Parkway, Suite 203
Vacaville, CA 95688
(707) 451-6090
rmarovich@scwa2.com

To CDFW:

California Department of Fish and Wildlife
Bay Delta Region
7329 Silverado Trail
Napa, California 94558
Attn: Lake and Streambed Alteration Program – Lorie Hammerli
Notification #1600-2015-0130-R3
Fax (707) 944-5553
Lorie.hammerli@wildlife.ca.gov

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall expire on December 31, 2019, 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.

- A. Project Site Map, submitted to CDFW in the Notification Package, April 29, 2015.
- B. Project Channel Work Map, submitted to CDFW in the Notification Package, April 29, 2015.

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 SOLANO COUNTY WATER AGENCY

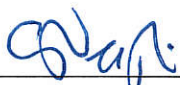


Richard Marovich
Streamkeeper

11-17-15

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Craig J. Weightman
Environmental Program Manager

12/14/15

Date

Prepared by: L. Hammerli
Environmental Scientist

Date Sent: September 4, 2015
Date Revised: October 7, 2015, November 17, 2015

Exhibit A

Project Site Map

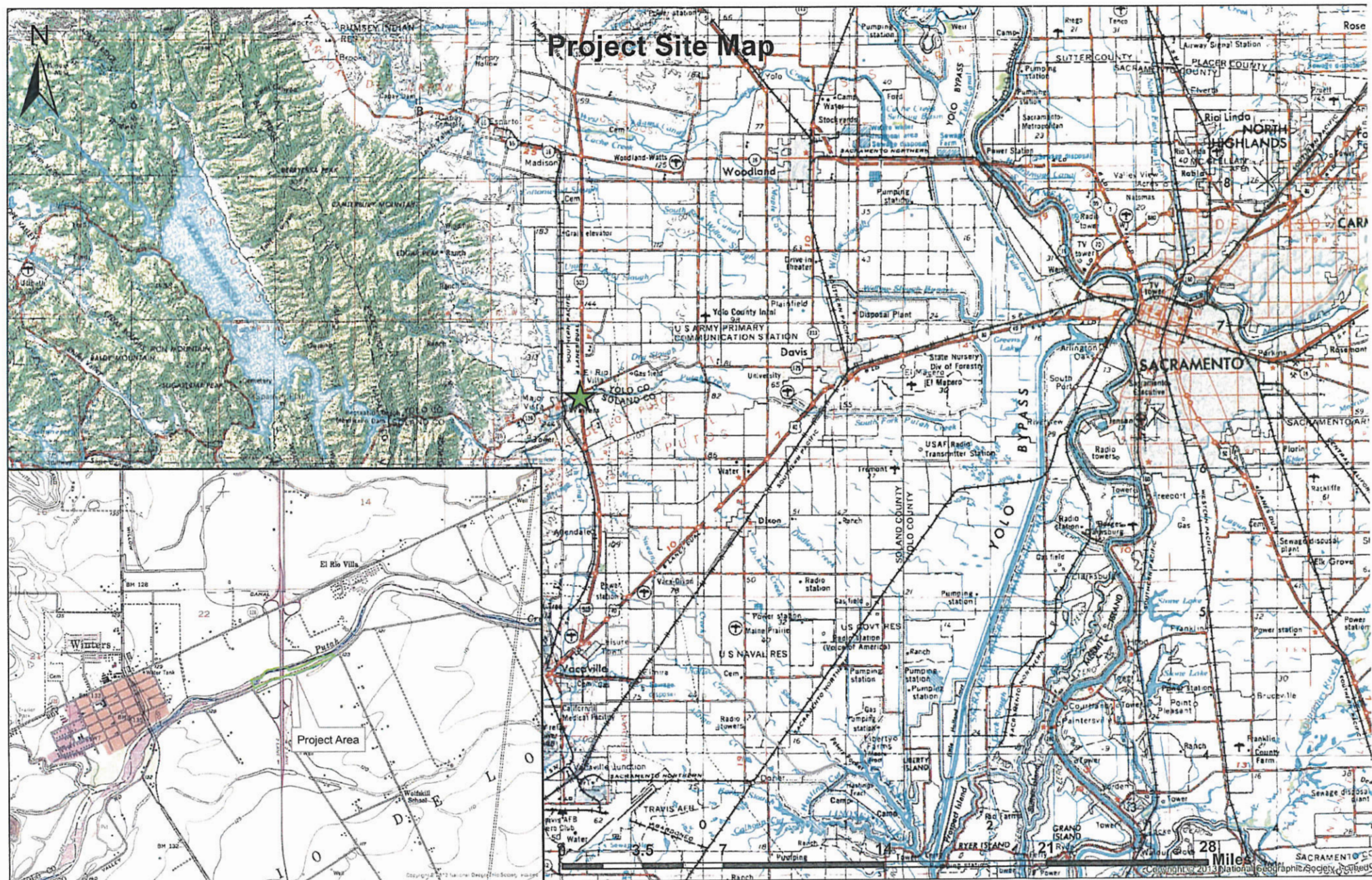
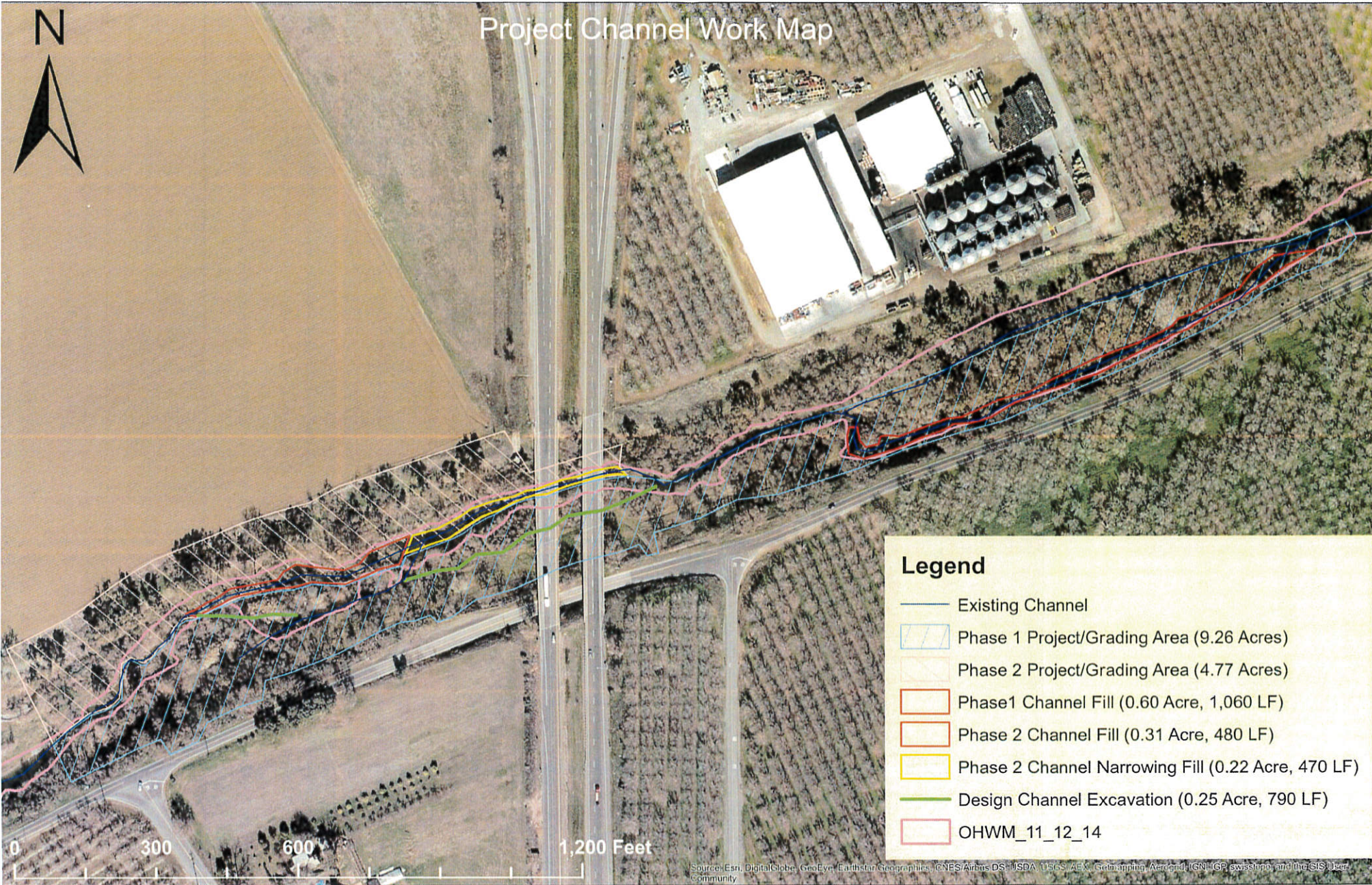


Exhibit B

Project Channel Work Map

Project Channel Work Map



Legend

- Existing Channel
- Phase 1 Project/Grading Area (9.26 Acres)
- Phase 2 Project/Grading Area (4.77 Acres)
- Phase 1 Channel Fill (0.60 Acre, 1,060 LF)
- Phase 2 Channel Fill (0.31 Acre, 480 LF)
- Phase 2 Channel Narrowing Fill (0.22 Acre, 470 LF)
- Design Channel Excavation (0.25 Acre, 790 LF)
- OHWM_11_12_14

FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
4/29/2015	\$1833.25	\$		1400-2015-0130-3



145994
SOLANO COUNTY
Water Agency

STATE OF CALIFORNIA

DEPARTMENT OF FISH AND WILDLIFE

Hammerli
Lt. Longwell
Wdn. Bolla



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	Rich Marovich			Fish & Wildlife
Business/Agency	Solano County Water Agency			APR 29 2015
Street Address	810 Vaca Valley Parkway, Suite 203			
City, State, Zip	Vacaville, CA 95688			Napa
Telephone	707-249-4102	Fax	707-451-6099	
Email	rmarovich@scwa2.com			

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

Name	Mark Snyder		
Street Address	810 Vaca Valley Parkway, Suite 203		
City, State, Zip	Vacaville, CA 95688		
Telephone	707-455-1108	Fax	707-451-6099
Email	msnyder@scwa2.com		

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

Name	County of Solano; McClish Family		
Street Address	675 Texas St. Suite 5500; 209 White Oak Lane		
City, State, Zip	Fairfield, CA 94533; Winters, CA 95694		
Telephone	707.784.6072; 530.304.2875	Fax	
Email	mrtuggle@solanocounty.com		

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		NAWCA 3 - Lower Putah Creek Floodplain Restoration		
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)	
2015	2016	8/1	11/15	60

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	NAWCA 3 - Lower Putah Creek Floodplain Restoration	250,000	1,833.25
2			
3			
4			
5			
		D. Base Fee (if applicable)	
		E. TOTAL FEE ENCLOSED	1,833.25

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?	
<input type="checkbox"/> Yes (Provide the information below) <input checked="" type="checkbox"/> 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)?	
<input checked="" type="checkbox"/> No <input type="checkbox"/> 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.)	
<input type="checkbox"/> Continued on additional page(s)	

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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)

Lower Putah Creek at Interstate-505, near Winters, CA. Traveling northbound on I-505 from Vacaville, take the Putah Creek Road exit. Turn left onto Putah Creek Road and travel 0.25 mile. The project will be on the right.

☐ Continued on additional page(s)

B. River, stream, or lake affected by the project. Lower Putah Creek

C. What water body is the river, stream, or lake tributary to? Prospect Slough

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 Solano and Yolo

F. USGS 7.5 Minute Quad Map Name

G. Township

H. Range

I. Section

J. ¼ Section

Winters

8N

1W

22/23

☐ Continued on additional page(s)

K. Meridian (check one)

☐ Humboldt

☒ Mt. Diablo

☐ San Bernardino

L. Assessor's Parcel Number(s)

103-16-04, 103-24-16, 103-24-17, and 038-07-12.

☐ Continued on additional page(s)

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

Latitude/Longitude	Latitude: 121.954		Longitude: 38.525	
	<input type="checkbox"/> Degrees/Minutes/Seconds		<input checked="" type="checkbox"/> Decimal Degrees	
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 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 type="checkbox"/>	<input type="checkbox"/>
Filling of wetland, river, stream, or lake	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>
Levee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low water crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road/trail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment removal – pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary stream crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility crossing : Horizontal Directional Drilling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jack/bore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Open trench	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

10. PROJECT DESCRIPTION

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

- Include any structures (e.g., rip-rap, culverts, or channel clearing) that will be placed, built, or completed in or near the stream, river, or lake.

- Specify the type and volume of materials that will be used.

- If water will be diverted or drafted, specify the purpose or use.

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

Please see the attached Project Description, maps and drawings.

☐ Continued on additional page(s)

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

Excavators, dozers, scrapers, dump trucks, graders, front-loaders, and water trucks.

☐ 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.

Phase 1: 0.60 acre (1,060 LF) of channel will be filled and 0.25 acre (790 LF) of new side channel will be created with 150 CY spawning gravel added. See Project Description.
Phase 2: 0.31 acre (470 LF) of channel will be filled and 0.22 acre (470 LF) of channel will be narrowed by adding fill. See Project Description.

☐ Continued on additional page(s)

B. Will the project affect any vegetation? ☒ Yes (Complete the tables below) ☐ No

Vegetation Type	Temporary Impact	Permanent Impact
Riparian forest understory	Linear feet: _____ Total area: _____	Linear feet: 2,800 LF Total area: 14.0 acres
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)
See attached Tree Impacts spreadsheet	238	4-72 inches

☐ Continued on additional page(s)

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

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

Western pond turtle, valley elderberry longhorn beetle, Swainson's hawk, willow flycatcher, bank swallow, Chinook Salmon (central valley fall/late fall run)

☐ Continued on additional page(s)

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

CNDDDB; Putah Creek Terrestrial Wildlife Monitoring Program, UC Davis MWFB

☐ Continued on additional page(s)

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

☐ Yes (Enclose the biological study) ☒ No

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

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

☒ Yes (Enclose the hydrological study) ☐ No

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

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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

A. Describe the techniques that will be used to prevent sediment from entering watercourses during and after construction.

The project requires a stormwater construction permit and a SWPPP. The project will occur during summer, when the chance of precipitation is minimal. After grading is complete, all disturbed areas will be seeded with native grasses and covered with straw. In-water work areas will be isolated from flowing water.

☐ Continued on additional page(s)

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

The project will begin in August, when most birds have already nested. Preconstruction nesting birds survey's will be conducted to identify any late nesting birds. Buffer areas will established around nesting raptors and migratory birds, and their behavior will be monitored for signs of distress during construction. A biological monitor will be on site daily during construction. The project will conserve as much existing native vegetation as possible. Elderberry shrubs within the project area will protected by orange construction fencing. All construction workers will complete environmental awareness training.

☐ Continued on additional page(s)

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

This habitat restoration project is self mitigating. The project will improve water quality, increase spawning habitat, control invasive weeds, and establish native vegetation. The project's native vegetation installation component will mitigate for all trees removed that have a diameter-at-breast-height of four inches or great, using the following ratios: 6:1 ratio for all oaks, 4:1 ratio for all non-oak native trees (excluding black walnut), and 1:1 for all non-native trees (including black walnut). The planting will consist of one and two gallon pots of native species found within the watershed, such as valley oak, white alder, Oregon ash, box elder, sycamore, coffeeberry, toyon, California rose, mulefat, red willow, arroyo willow, Goodding's willow, California buckeye, and Fremont's cottonwood. The floodplain will be seeded with a native grass mix.

☐ 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. <u>CVRWQCB 401 cert. and Storm water const. permit</u> | <input checked="" type="checkbox"/> Applied <input type="checkbox"/> Issued |
| B. <u>USACE 404</u> | <input checked="" type="checkbox"/> Applied <input type="checkbox"/> Issued |
| C. <u>CVFCB encroachment permit</u> | <input checked="" type="checkbox"/> Applied <input type="checkbox"/> Issued |
| D. Unknown whether <input type="checkbox"/> local, <input type="checkbox"/> state, or <input type="checkbox"/> 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)</p> <p><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>			
<input type="checkbox"/> Notice of Exemption <input type="checkbox"/> Initial Study <input type="checkbox"/> Negative Declaration <input type="checkbox"/> THP/ NTMP	<input checked="" type="checkbox"/> Mitigated Negative Declaration <input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Notice of Determination (Enclose) <input type="checkbox"/> Mitigation, Monitoring, Reporting Plan	<input type="checkbox"/> NEPA document (type): _____ <input type="checkbox"/> CESA document (type): _____ <input type="checkbox"/> ESA document (type): _____	
<p>B. State Clearinghouse Number (if applicable)</p>		<p>2015032094</p>	
<p>C. Has a CEQA lead agency been determined?</p>		<p><input checked="" type="checkbox"/> Yes (Complete boxes D, E, and F) <input type="checkbox"/> No (Skip to box 14.G)</p>	
<p>D. CEQA Lead Agency</p>	<p>Solano County Water Agency</p>		
<p>E. Contact Person</p>	<p>Mark Snyder</p>	<p>F. Telephone Number</p>	
<p>G. If the project described in this notification is part of a larger project or plan, briefly describe that larger project or plan.</p> <p>This project is contiguous with phases 1-3 of the Winters Putah Creek Nature Park Channel realignment project. Phases 1 and 2 of the Winter's Putah Creek Nature Park Channel Realignment project realigned approximately 3,800 LF of the channel in 2011. Phase 3 is scheduled for the 2015 construction season, and will realign approximately 1,200 LF of channel.</p> <p style="text-align: right;"><input type="checkbox"/> Continued on additional page(s)</p>			
<p>H. Has an environmental filing fee (Fish and Game Code section 711.4) been paid?</p> <p><input type="checkbox"/> Yes (Enclose proof of payment) <input checked="" type="checkbox"/> No (Briefly explain below the reason a filing fee has not been paid)</p> <p>The filing fee will be paid once the project's final Mitigated Negative Declaration is adopted by the Solano County Water Agency's Board of Directors.</p> <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>Mark Snyder</u> at (insert telephone number) <u>707-455-1108</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.)?

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

☐ No

17. SIGNATURE

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



Signature of Applicant or Applicant's Authorized Representative

4/29/15
Date

RICHARD A. MAROVICH
Print Name

Notice of Determination

- 1 -

To:

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

Street Address:

1400 Tenth Street
Sacramento, CA 95814

From:

Department of Fish and Wildlife
Bay Delta Region
7329 Silverado Trail, Napa, Ca 94558
Contact: Lorie Hammerli
Phone: 707-944-5568



Lead Agency (if different from above)
Solano County Water Agency
810 Vacaville, CA 95688
Contact: Mark Snyder
Phone: 707-455-1108

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108

State Clearinghouse Number: 2015032094

Project Title: NAWCA 3- (Lake or Streambed Alteration Agreement No. 1600-2015-0130-R3)

Project Location (include county): The project is located on Putah Creek off of Putah Creek Road between Johnson Road and Boyce Road east of the City of Winters, Solano County.

Project Description: The project will restore approximately 2,000 linear feet (14.03 acres) of Putah Creek from approximately Johnson Road to Boyce Road. The project is contiguous with Phases 1-3 of the Winters Putah Creek Nature Park Channel Realignment Project (No. 1600-2011-0010-R2). The project will isolate the flow of Putah Creek from construction areas; clear and grub marked vegetation on existing terraces; grade terraces to functional floodplain elevation; fill and/or narrow an existing split channel and add root wad revetments to provide for a narrower, meandering channel; create a side channel with spawning gravels; remove and control invasive plant species; and plant native vegetation. The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2015-0130-R3, pursuant to section 1602 of the Fish and Game Code to the project Applicant, Richard Marovich/Solano County Water Agency.

This is to advise that CDFW, acting as a Responsible Agency approved the above described project on December 14, 2015 and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project will not have a significant effect on the environment. This determination is limited to effects within CDFW's permitting jurisdiction as a Responsible Agency.
2. CDFW considered the ☒ mitigated negative declaration prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures ☒ were not made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan ☒ was not adopted by CDFW for this project.
5. A Statement of Overriding Considerations was not adopted by CDFW for this project.
6. Findings were not made by CDFW pursuant to Public Resources Code section 21081, subdivision (a).

The ☒ mitigated negative declaration prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record related to the Lake or Streambed Alteration Agreement is available to the public for review at CDFW's regional office.

Signature

A handwritten signature in blue ink, appearing to read "CJW", written over a horizontal line.

Date: December 14, 2015

Craig J. Weightman, Environmental Program Manager

Date Received for filing at OPR: _____