

## DEPARTMENT OF FISH AND GAME

CENTRAL COAST REGION  
(707) 944-5520

## Mailing address:

POST OFFICE BOX 47  
JUNTVILLE CALIFORNIA 94599

## Street address:

7329 SILVERADO TRAIL  
NAPA CALIFORNIA 945581/2  
April 23, 2004

Notification Number 1 600-2004-0136-3

Mr. Jeffery Jensen  
Caltrans - District 4  
111 Grand Avenue  
Oakland, California 94623

FILE COPY

## 1602 LAKE AND STREAMBED ALTERATION AGREEMENT

This agreement is issued by the Department of Fish and Game pursuant to Division 2, Chapter 6 of the California Fish and Game Code:

WHEREAS, the applicant Mr. Jeffery Jensen representing Caltrans, hereafter called the Operator, submitted a signed NOTIFICATION proposing to substantially divert or obstruct the natural flow of, or substantially change the bed, channel, or bank of, or use material from the streambed or lake of the following water: unnamed drainages as part of the Devil's Slide Tunnel project, located on State Route 1 in the County of San Mateo, State of California; and

WHEREAS, the Department has determined that such operations may substantially adversely affect existing fish and wildlife resources including water quality, hydrology, aquatic or terrestrial plant or animal species; and

WHEREAS, the project has undergone the appropriate review under the California Environmental Quality Act; and

WHEREAS, the Operator shall undertake the project as proposed in the signed PROJECT DESCRIPTION and PROJECT CONDITIONS (attached). If the Operator changes the project from that described in the PROJECT DESCRIPTION and does not include the PROJECT CONDITIONS, this agreement is no longer valid; and

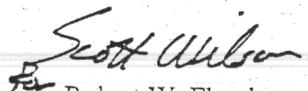
WHEREAS, the agreement shall expire on December 31, 2008; with the work to occur between June 1 and October 15; and

WHEREAS, nothing in this agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of the responsibility for compliance with applicable Federal, State, or local laws or ordinances. Placement, or removal, of any material below the level of ordinary high water may come under the jurisdiction of the U. S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act;

THEREFORE, the Operator may proceed with the project as described in the PROJECT DESCRIPTION and PROJECT CONDITIONS. A copy of this agreement, with attached PROJECT DESCRIPTION and PROJECT CONDITIONS, shall be provided to contractors and subcontractors and shall be in their possession at the work site.

Failure to comply with all conditions of this agreement may result in legal action.

This agreement is approved by:

  
For Robert W. Floerke  
Regional Manager  
Central Coast Region

cc: Fred Botti  
Warden Kavanagh  
Kevin Urquhart

**DEPARTMENT OF FISH AND GAME**CENTRAL COAST REGION  
(707) 944-5586*Mailing address:*POST OFFICE BOX 47  
YOUNTVILLE CALIFORNIA 94599*Street address:*7329 SILVERADO TRAIL  
NAPA CALIFORNIA 94558

Notification Number: 1600-2004-0136-3

Operator: Mr. Jeffrey Jensen  
Caltrans, District 4  
111 Grand Avenue  
Oakland, California 94623**PROJECT DESCRIPTION and PROJECT CONDITIONS****Description**

The project is the construction of a new section of State Highway 1 between Rockaway Beach in Pacifica and Montara in San Mateo County. The new roadway will consist of twin bridges and a 1,219 meter long twin bore tunnel through San Pedro Mountain. The portions of the project which will require a 1602 Agreement include the placement of pier foundations in an unnamed intermittent drainage at the base of the North portal, grading (i.e. sediment removal) of the North pond on Shamrock Ranch, reconstructing a portion of the earthen dam at the South pond on Sherman Ranch, the excavation in an unnamed drainage at the South portal to blend with the natural environment, and wetland creation (mitigation) in a drainage basin of two drainages at the Charthouse mitigation site.

**Conditions**

1. Work in the stream channel shall be confined to the period June 1 to October 15. If the Operator needs more time to complete the authorized activity, the work period may be extended on a day-to-day basis by Fred Botti at 707-944-5571 or alternately, to the Yountville Office at 707-944-5520.
2. Caltrans shall prepare a wetlands mitigation plan and provide a draft copy to the Department for review and approval. Once approved by the Department in writing said plan shall be incorporated into this Agreement as a condition of approval and the implementation of the mitigation measures contained therein required as part of the project. Any Agreement issued for this project shall not be valid until written approval of the wetland mitigation plan is received from this Department.
3. A copy of this agreement must be provided to the Contractor and all subcontractors who work within the stream zone and must be in their possession at the work site.

4. Building materials and/or construction equipment shall not be stockpiled or stored where they could be washed into the water or where they will cover aquatic or riparian vegetation.
5. Debris, soil, silt, bark, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, 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 Operator or any party working under contract, or with the permission of the Operator, shall be removed immediately.
6. The contractor shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
7. The Operator is liable for compliance with the terms of this Agreement, including violations committed by the contractors and/or subcontractors. The Department reserves the right to suspend construction activity described in this agreement if the Department determines any of the following has occurred:
  - A). Failure to comply with any of the conditions of this Agreement.
  - B). Information provided in support of the Agreement is determined by the Department to be incomplete or inaccurate.
  - C). Information becomes available to the Department that was not known when preparing the original conditions of this Agreement (including, but not limited to, the occurrence of State or federally listed species in the area or risk to resources not previously observed).
  - D). The project as described in the Agreement has changed or conditions affecting fish and wildlife resources change.
8. Any violation of the terms of this Agreement may result in the project being stopped, a citation being issued, or charges being filed with the District Attorney. Contractors and subcontractors may also be liable for violating the conditions of this agreement.
9. Department personnel or its agents may inspect the work site at any time.

### **Amendments and Renewals**

The Operator shall notify the Department before any modifications are made in the project plans submitted to the Department. Project modifications may require an amendment or a new notification.

This agreement is transferable to subsequent owners of the project property by requesting an amendment.

To renew the agreement beyond the expiration date, a written request for a renewal must be

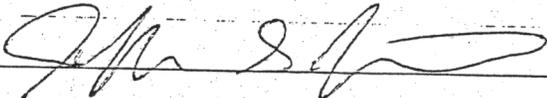
submitted to the Department (1600 Program, Post Office Box 47, Yountville, California 94599) for consideration at least 30 days before the agreement expiration date. A renewal requires a fee. The Fee Schedule can be obtained at [www.dfg.ca.gov/1600](http://www.dfg.ca.gov/1600) or by phone at (707) 944-5520. Renewals of the original Agreement are issued at the discretion of the Department.

To modify the project, a written request for an amendment must be submitted to the Department (1600 Program, Post Office Box 47, Yountville, California 94599). The fee for an amendment is half (1/2) the original fee. Amendments to the original agreement are issued at the discretion of the Department.

*Please note that you may not proceed with construction until your proposed project has undergone CEQA review and the Department signs the Agreement.*

I, the undersigned, state that the above is the final description of the project I am submitting to the Department for CEQA review, leading to an Agreement, and agree to implement the conditions above required by the Department as part of that project. I will not proceed with this project until the Department signs the Agreement. I also understand that the CEQA review may result in the addition of measures to the project to avoid, minimize, or compensate for significant environmental impacts:

Operator's name (print): Caltrans - Jeffrey G. Jensen  
OFFICE CHIEF

Operator's signature: 

Signed the 19<sup>th</sup> day of April, 2004

For Department Use Only			
Notification Number:		Date Received:	Date Completed:
Fees Enclosed?	Yes \$ 1,390.50 No		
Action Taken/Notes:			

#82-786992  
 \$1390.50  
 Caltrans

11/10/04-2004-0136-3  
 OK Rec'd 3-3-04

STATE OF CALIFORNIA  
 THE RESOURCES AGENCY  
 DEPARTMENT OF FISH AND GAME

NOTIFICATION OF LAKE OR STREAMBED ALTERATION  
 (See attachment/enclosure for instructions)

Kavanaugh  
 Urquhart

Notification Type	
<input checked="" type="checkbox"/> <del>1603</del> (Public) 1602	<input type="checkbox"/> Timber Harvest Plan (No. _____)
<input type="checkbox"/> 1603 (Private)	<input type="checkbox"/> Commercial Gravel Extraction (No. _____)
	<input type="checkbox"/> Water Application (No. _____)

Applicant Information			
	Name	Address	Telephone/FAX
<b>Applicant:</b>	California Department of Transportation - District 4	111 Grand Avenue Oakland, CA 94623	Business: Fax:
<b>Operator:</b>			Business: Fax:
<b>Contractor:</b> (if known)			Business: Fax:
<b>Contact Person:</b> (if not applicant)	Jeffrey G. Jensen Office Chief Natural Sciences and Permits		Business: (510) 622-8729 Fax:
<b>Property Owner:</b>			Business: Fax:

Project Location				
<b>Location Description:</b>	Located on Highway 1 between 2 <sup>nd</sup> Street in Montara and Linda Mar Boulevard in Pacifica.			
<b>County</b>		<b>Assessor's Parcel Number</b>		
San Mateo		Please refer to the attached table and Exhibit 9.		
<b>USGS Map</b>	<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Latitude/Longitude</b>
Montara Mountain Quad	T4S	R6W		37°34'122'30"
<b>Name of River, Stream, or Lake:</b>		Unnamed tributary		
<b>Tributary To?</b>				

NOTIFICATION OF LAKE OR STREAMBED ALTERATION  
(Continued)

Name of Applicant: California Department of Transportation

Project Description						
Project Name:	Devil's Slide Tunnel Bypass					
Proposed Start Date:	08/04	Proposed Completion Date:	12/09	Project Cost:	\$229 Million	Number of Stream Encroachments: (Timber Harvest Plans only)
Describe project below: (Attach separate pages if necessary)						
Please refer to the attached sheets.						
<input checked="" type="checkbox"/> Continued on separate page(s)						

Attachments/Enclosures		
Attach or enclose the <i>required</i> documents listed below and check the corresponding boxes:		
<input checked="" type="checkbox"/> Project description	<input checked="" type="checkbox"/> Map showing project location, including distances and/or directions from nearest city or town	<input checked="" type="checkbox"/> Construction plans and drawings pertaining to the project
Attach or enclose the documents listed below, if complete, and check the corresponding boxes:		
Completed CEQA documents:	<input type="checkbox"/> Negative Declaration	<input checked="" type="checkbox"/> Environmental Impact Report
	<input type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/> Notice of Exemption
		<input type="checkbox"/> Notice of Determination
Copies of applicable local, State, or federal permits, agreements, or other authorizations:	<input type="checkbox"/> Local. Describe: Local Coastal Plan	
	<input type="checkbox"/> State. Describe: California Coastal Commission and Regional Water Quality Control Board	
	<input type="checkbox"/> Federal. Describe: United States Fish and Wildlife Service and United States Army Corps of Engineers	

I hereby certify that all information contained in this notification is true and correct and that I am authorized to sign this document. I understand that in the event this information is found to be untrue or incorrect, I may be subject to civil or criminal prosecution and the Department may consider this notification to be incomplete and/or cancel any Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand that this notification is valid only for the project described herein and that I may be subject to civil or criminal prosecution for undertaking a project that differs from the one described herein, unless I have notified the Department of that project in accordance with section 1601 or 1603 of the Fish and Game Code.

I understand that a Department representative may need to inspect the property where the project described herein will take place before issuing a Lake or Streambed Alteration Agreement pursuant to this notification. In the event the Department determines that a site inspection is necessary, I hereby authorize the Department to enter the property where the project described herein will take place to inspect the property at any reasonable time and certify that I am authorized to grant the Department permission to access the property.

I request the Department to first contact me at (insert telephone number) \_\_\_\_\_ to schedule a date and time to enter the property where the project described herein will take place and understand that this may delay the Department's evaluation of the project described herein.

  
Operator or Operator's Representative

3/1/2004  
Date