

DEPARTMENT OF FISH AND GAME

BAY DELTA REGION

(707) 944-5520

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YOUNTVILLE CALIFORNIA 94599

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April 28, 2008

Notification Number: R3-1600-2007-0332-3

Uvas Creek, Santa Clara County

Francis Mensah
California Department of Transportation
Post Office Box 23660
Oakland, CA 94623

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, Gene Gonzalo of the California Department of Transportation, 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: Uvas Creek, Santa Clara County, 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 Applicant shall undertake the project as proposed in the signed PROJECT DESCRIPTION and PROJECT CONDITIONS (attached). If the Applicant 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project from that described in the PROJECT DESCRIPTION and does not include the PROJECT CONDITIONS, this agreement is no longer valid; and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, 2011; with the work to occur between June 15 and November 15; and

WHEREAS, nothing in this agreement authorizes the Applicant to trespass on any land or property, nor does it relieve the Applicant 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 Applicant 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:

A handwritten signature in black ink, appearing to read "Charles Armor".

Charles Armor
Regional Manager
Bay Delta Region

cc: Dave Johnston
Warden Kroll
Lieutenant Nores

DEPARTMENT OF FISH AND GAME

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Notification Number: 1600-2007-0332-3
Uvas Creek, Santa Clara County

Francis Mensah
Project Manager
California Department of Transportation
***Street:* 111 Grand Avenue**
Oakland, CA
***Mail:* P. O. Box 23660**
Oakland, CA 94623

PROJECT DESCRIPTION and PROJECT CONDITIONS

Description

The California Department of Transportation (Caltrans) is proposing to replace the existing Uvas Creek Bridge on State Route 152 (SR 152) which is located immediately west of the City of Gilroy between postmile markers 6.1 and 6.68. The existing bridge was constructed in 1957 and now has substantial structural instabilities including erosion of the pier walls. Scouring has exposed 0.6 meters (2 ft) of bridge pilings that would normally extend below the grade of the creek bed. Caltrans proposes to begin construction of the new bridge in the summer of 2008 and demolition of the old bridge the following year. Caltrans anticipates that construction will take place over a two year period based upon June 15 to November 15 work seasons. The entire project will cause 0.24 acre permanent impacts to creek bed and riparian habitat and 1.11 acres of temporary impact to riparian vegetation.

Bore Operations

Two bores are proposed prior to beginning work. The purpose of the bores is to obtain geotechnical information necessary to incorporate into the new bridge design for structural stability. Both bores will occur on the northeast side of the existing bridge within riparian habitat. Some vegetation trimming will occur during this phase of construction to allow access for the bore equipment. No bores or related activity will take place within the live stream channel, creek bed or wetted channel. The drill rig utilized for the bore operations will be

between 16 and 24 ft long by 8 ft wide and will either be mounted on a 4 x 4 truck or have all terrain 4-wheel drive capability. When the drill rig tower is up it will extend to a height of 15 to 30 feet. The bore holes will be 5-inches in diameter and will be between 80 to 100 feet deep. Bentonite clay water slurry and/or clear water slurry will be used for lubrication and contained in the drill rig pump system hoses, and mud tub. All excess drilling fluids will be removed from the site and hauled to the Caltrans facility in Sacramento.

Water Diversion

Cofferdams and a stream diversion channel will be constructed to exclude water from the work areas during bridge construction and demolition. They will be assembled and removed in each of the construction seasons. One cofferdam will be constructed 2 m (6.6 feet) beyond the north edge of the work area and another beyond the south edge of the work area. These cofferdams will be connected by a u-shaped channel, approximately 24 m (78.7 ft) long, which will be made of k-rails lined with heavy gauge plastic sheeting and will be secured in place with sandbags on both sides of each k-rail. The k-rails will be spaced approximately 2.5 m (8.2 ft) on either side of the Uvas Creek thalweg. The channel will have a capacity to carry flows of up to 48 cubic feet per second (CFS).

Bridge Construction

One access road will be established on the northeast bank of Uvas Creek, another will be located on the northwest bank. After the cofferdam and U-channel are functioning, existing RSP of 340 square meter (3,660 square ft) around the Piers No. 2 and 3 area will be removed and will be utilized along the left bank. About 700 square meters (7,535 square ft) of the existing bank slope will be replaced with 950 square meter (10,220 square ft) of RSP along both banks, which extends 6 meters beyond the upstream edge of the proposed bridge at both ends of the bridge.

Temporary falsework and pile driving may require the use of a vibratory pile hammer and a 70-ton crane. Construction of the bridge will include equipment such as a crane, dozer, large excavator, concrete trucks, pump trucks, vibrators and a loader.

The new bridge will be 87.65 m (287.6 ft) long by 16.47 m (54.8 ft) wide at the beginning of the bridge and by 18.15 m (59.5 ft) wide at the end of the bridge. Two 1.68 m (5.5 ft) diameter columns will be supported on 2.135 m (7.0 ft) shafts, which will be drilled outside of the low flow channel. Two abutments of the total area of 646 m² (6953.49 ft²) will be placed out side of the active channel.

Bridge Demolition

Two access road will be established on the south side of SR 152; one road will extend from Burchell Road to the southeast bank of Uvas Creek; the other road will extend from SR 152 to the southwest bank. A 17 m (55.8 ft) cofferdam and U-channel will be installed for water

diversion during demolition of the existing bridge. Temporary falsework will be erected under the existing bridge and will require the placement of four 1.22 m by 15.79 m or 19.25 m² (4 ft by 51.8 ft or 207.2 ft²) platforms in the creek bed west of the water diversion channel. Demolition will consist of the removal of the existing bridge deck, girders, overhangs, pier walls, pile caps, and RSP. The pile caps will be cut 0.91 m (3 ft) below grade and extracted from the creek thus removing approximately 13 m² (139.9 ft²) of existing pier wall, and 90 m³ (3,178 ft³) of pier wall footing. The existing bridge abutments and RSP that is below the 100-year water surface will be left in place.

Restoration

After each year of construction all construction related materials will be removed from the site and all disturbed areas will be recontoured to original grade to the extent possible. All disturbed ground will be hydroseeded and erosion control blanket and other materials will be installed where necessary to prevent soil erosion.

Permanent impacts from the work include .24 acres of valley foothill riparian community and 1.96 acres of coast oak woodland. Mitigation will consist of in-kind restoration of these communities at a 1:1 ratio on site or, if an alternative location is necessary, at a ratio of 3:1 (restoration to impact area)..

Special Status Species

The project location provides habitat or potential habitat for the following special status species: south central coast ESU (evolutionary significant unit) steelhead, California red-legged frog, least Bell's vireo, western pond turtle, foothill yellow-legged frog, San Francisco dusky-footed woodrat and three bat species. Of these, the steelhead, woodrat and bats have been confirmed at the site. Surveys have not detected red-legged or yellow-legged frogs or least Bell's vireo, but conditions in the Federal authorizations and this Agreement contain provisions for actions to be taken if they are detected during the course of work. This Agreement and the Federal authorizations also includes minimization measures to limit take of steelhead. The three bats species are using the bridge as a night roost and are expected to be able to use alternative sites while the bridge is replaced. The new bridge will contain modifications to enhance to structure as a night roost. Conditions have been added to deal with the possible detection of western pond turtle and impacts to San Francisco dusky-footed woodrat.

Exhibits

- A. Biological Opinion from the United States Fish and Wildlife Service, for the Proposed Uvas Creek Scour Mitigation Project in Santa Clara County, California (Caltrans EA 448800). February 2006.

- B. Biological Opinion from the National Oceanic and Atmospheric Administration National Marine Fisheries Service for the Uvas Creek Bridge Replacement Project on State Route 152, Santa Clara County, California. July 21, 2006.
- C. Uvas Creek Scour Mitigation Project Biological Assessment. Caltrans. February 2006.
- D. Uvas Creek Bridge Replacement Initial Study with proposed Negative Declaration. Caltrans. Undated.

General Conditions

1. All work shall be done according to the Streambed Alteration Notification and supporting materials prepared by Gene Gonzalo and dated June 22, 2007, and submitted to the California Department of Fish and Game (the Department) on June 27, 2007 with the exception of specific measures proposed in the Project Conditions that follow. In addition, all conservations measures, terms and conditions shall be carried out as specified in Exhibits A and B. In the event of a conflict between any of the three documents, Caltrans, the Resident Engineer or the designee shall contact the agencies which conditions are in conflict for resolution prior to proceeding with the activity affected.
2. The Applicant shall notify the Department, in writing or by email of the dates of commencement and completion of operations within five days prior to such commencement or completion and shall include the status of the mitigation measures implemented/to be implemented required in this Agreement. Email notification should be addressed to Dave Johnston at the Department. Refer to Notification 1600-2007-0332-3 when contacting the Department. Contact information for the Department, the Service and National Marine Fisheries Service is as follows:

Contact Information

Department of Fish and Game (the Department)
 Dave Johnston
 Email: djohnston@dfg.ca.gov
 Phone: (831) 466-0234
 P. O. Box 47, Yountville, CA 94599

U. S. Fish and Wildlife Service – Sacramento Office (the Service)
 Chris Nagano, Deputy Assistant Field Supervisor
 Endangered Species Division
 Phone: (916) 414-6600

National Marine Fisheries

(NMFS)

Jon Ambrose

Phone: (707) 575-6091 Area Office Phone (707) 575-6050

777 Sonoma Avenue, Room 325

Santa Rosa, CA 95404

3. Work within the stream/riparian corridor shall be confined to the period of June 15 to October 15, in the years 2008, 2009, and 2010 provided the requirements in condition 5 and 6 have been met. For the period October 15 to November 15, work may commence if there is less than a 20% chance of precipitation exceeding .25" or more during the period the work is expected to take. Under no circumstances may work commence unless it is determined the work planned can reasonably be completed within the prediction window. If the Applicant needs more time to complete the authorized activity, requests for work period variances should be made to Dave Johnston at (831) 466-0234, or the Yountville office at (707) 944-5520. The request shall specifically describe the extent of work that still needs to be done, as well as a statement of recent and anticipated weather conditions for the following week. Authorization for extension of work period will be issued via email at the discretion of the Department. Revegetation work is not confined to this time period.
4. Copies of the Agreement shall be readily available at the work site at all times during periods of active work and shall be presented to Department personnel or its agents, or enforcement personnel from another agency upon demand. If requested, before, during, or upon completion of ground breaking and construction activities, Caltrans shall allow access to Service, NMFS and/or Department of Fish and Game personnel to the project site to inspect project effects to special status species.

Wildlife and Habitat Protection

5. The Applicant may commence construction activities between June 15 and August 1 of 2008, 2009 and 2010 if a qualified biologist conducts a survey for nesting birds within three days **prior to** any vegetation removal or entry of heavy equipment to the site, and ensures no nesting birds shall be impacted by the project. These surveys shall include the areas within 200 feet of the edge of the proposed impact area(s). Survey results shall be sent to the Department. If active nests are found, a minimum 150-foot (200 feet for raptors) fenced buffer shall be erected around the nest site. No habitat removal or any other work shall occur within the fenced nest zone even if the nest continues to be active beyond July 15, until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project.
6. Weekly inspection of the bridge for nesting activity shall begin by March 1. If cliff swallows (*Hirundo pyrrhonta*) begin colonizing the bridge prior to the beginning of bridge work, all nest precursors (mud placed by swallows for construction of nests) shall be washed or knocked down at least once daily until swallows cease trying to construct

nests. Caltrans may also use exclusion techniques such as netting to eliminate nesting for the construction period. Under no circumstances can this activity result in harm or death to any adult swallows or their eggs. Completed nests cannot be removed without a permit from the Service.

7. The project site has been identified as an area that is potentially inhabited by a federal and state endangered species, least Bell's vireo (*Vireo bellii pusillus*), and two federal threatened species, the South-Central California steelhead (*Oncorhynchus mykiss*) and the California red-legged frog (*Rana aurora draytonii*). All terms and conditions of the project Biological Opinions issued by the Service and NMFS shall be enforced during the duration of the project. Three state listed species of special concern, the foothill yellow-legged frog (*Rana boylei*), the western pond turtle (*Emys (=Clemmys) marmorata*), and the pallid bat (*Antrozous pallidus*) have potential to occur on the project site. One state listed species of special concern, the San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), has been confirmed to occur in the work area. The applicant is required to comply with all applicable state and federal laws, including the California and Federal Endangered Species Acts and the final conservation strategy for the State species of special concern. This agreement does not authorize the take of any state or federally listed species. Liability for any take or incidental take of such special status species remains the responsibility of the Applicant for the duration of the project. Any unauthorized take of such special status species may result in prosecution and nullification of the agreement.
8. Caltrans shall minimize the amount and extent of temporary and permanent changes to quality and quantity of instream and riparian habitat. Rock, gravel, and/or other materials shall not be imported to, taken from or moved within the bed or banks of the stream except as otherwise addressed in this Agreement.
9. Destruction of woodrat nests shall be avoided whenever practicable. Prior to the beginning of any work, including clearing, demolition, ground disturbance or vegetation disturbance, Caltrans shall submit a minimization and mitigation plan for minimization of impacts to the San Francisco dusky-footed woodrat population in the work area. The plan will include the following components: nest dismantling for passive relocation of woodrats designed to maximize survival of the displaced individuals. It is anticipated this will consist of timing of dismantling and artificial placement of cover and nesting materials nearby and other techniques as proposed by Caltrans which may be deemed effective in reducing mortality by DFG; mitigation, consisting of actions taken to permanently enhance the carrying capacity of the local habitat for the species. The intent of this mitigation is to benefit the population as a whole. Other mitigation measures may be proposed by Caltrans and considered by DFG. The report required in this condition and any other measures agreed to by Caltrans and DFG will become exhibits of this Agreement and must be adhered to during construction.
10. Prior to the beginning of any work, including clearing, demolition, ground disturbance or vegetation disturbance, Caltrans shall survey for foothill yellow-legged frog (*Rana*

boylei) and western pond turtle (*Actinemys marmorata*) in the immediate work area, in any areas expected to be disturbed by project activities and in a 50' buffer around those areas. The surveys shall utilize the latest credible methodologies to determine presence of each of the targets and, if present, what specific use is being made of the site by the species detected. If either species is detected, the results of the surveys will be submitted to the Department representative, who will make a determination as to the level of impact and what avoidance and mitigation measures (the Conservation Measures) are appropriate. The Department will consult with Caltrans in the development of the measures. Upon determination of those measures, the Department shall submit written avoidance and mitigation measures to Caltrans. Those measures will be considered part of this Agreement and subject to the arbitration process in Section 1603 of the Fish and Game Code.

11. If foothill yellow-legged frogs are detected during construction activities, DFG will be contacted immediately to determine the appropriate course of action. DFG and Caltrans shall confer on development of avoidance and mitigation measures which Caltrans will implement. DFG agrees that a no take standard will be difficult to achieve for this species and development of the measures will be done with this in mind.
12. If western pond turtles are detected during construction activities, the following measures will apply:
 - a.) If an active nest is detected, all work that could impact the nest will cease and the DFG representative will be contacted immediately for consultation. Work that could impact the nest shall not recommence until verbal or written clearance is provided by DFG.
 - b.) If the detection is one or more individual turtles moving through the area, the turtle(s) will be captured by the biological monitor and released immediately on the opposite side of the work area in the direction the turtle(s) were heading when first sighted. The biological monitor shall use his or her best judgment in selecting the release location to maximize survival.
13. Caltrans shall minimize the potential for harm, harassment, or killing of federally listed wildlife species resulting from project related activities by implementation of the conservation measures as described in the July 21, 2006 Biological Opinion from NMFS, the February 2006 biological assessment, the June 23, 2006 electronic mail message from Caltrans to the Service, and appearing in the *Project Description* of the biological opinion.
14. Caltrans shall include Special Provisions that include the terms of this Agreement, the Conservation Measures and the Terms and Conditions of the biological opinions in the solicitation for bid information. In addition, Caltrans shall educate and inform contractors involved in the project as to the requirements of the biological opinions this Agreement

and the Conservation Measures contained herein and as provided for in conditions 9 and 10.

15. As described in their June 23, 2006, electronic mail message to the Service, at least ninety (90) calendar days prior to the date of initial ground breaking at the project site, with the Service's written approval, Caltrans shall purchase appropriate conservation bank credits, contribute to habitat acquisition, or contribute to an in-lieu fee participation program that complies with FHWA policy for Federal aid participation of the California-red legged frog, the least Bell's vireo, or appropriate habitat that is share by both species.
16. Caltrans shall be responsible for implementing the Conservation Measures and Terms and Conditions of the biological opinions and this Agreement and shall ensure the Resident Engineer or designee shall have full authority to implement and enforce said terms, conditions and measures. The Resident Engineer or designee shall be the point of contact for the project. The Resident Engineer or their designee shall maintain copies of the biological opinions, Agreement and Conservation Measures onsite at all times. The names and telephone numbers of the Resident Engineer or designee shall be provided to the Service, NMFS and the Department at least thirty (30) days prior to groundbreaking at the project. Prior to ground breaking, the Resident Engineer must submit letters to the Service, NMFS and the Department verifying that they possess a copies of the project biological opinions, this Agreement and Conservation Measures and have read and understood the terms, conditions and measures of all documents..
17. A qualified biologist(s) shall be onsite during all activities that may result in the take of special status species. The biologist(s) must be able to accurately identify all special status species with potential to occur on and known to occupy the project site. At least one fisheries biologist shall be familiar with the life history and identification of South-Central California Distinct Population Segment steelhead, with a minimum of three years field experience, including three years of electrofishing experience. The qualifications of the biologist(s) must be presented to the Service, NMFS and the Department for review and written approval prior to ground-breaking at the project site. Prior to approval, the biologist(s) must submit must submit letters to the Service, NMFS and the Department verifying that they possess a copies of the project biological opinions, this Agreement and Conservation Measures and have read and understood the terms, conditions and measures of all documents. The biologist(s) will keep a copy of the project biological opinions, this Agreement and Conservation Measures in their possession when onsite. The biologist(s) shall be given the authority to stop any work that may result in take of special status animal species until the threats to special status species and/or their habitat are fully addressed and reconciled. The Caltrans biologist shall have oversight over implementation of all the Terms and Conditions in the project biological opinions, and shall have the authority to stop project activities, through communication with the Resident Engineer or their designee, if any of the requirements associated with Terms and Conditions are not being fulfilled. If the biologist/construction liaison has requested a stop work due to take of any of the special status species the Service shall be notified if the species if federally listed, NMFS shall be notified if the take is of steelhead, and the

Department will be notified of take of any special status species within one (1) working day via email or telephone. The appropriate contacts are provided in condition 2.

18. Prior to any ground disturbance, pre-construction surveys shall be conducted by a Service and Department approved biologist for special status species. These surveys shall consist of walking surveys of the project limits and adjacent areas accessible to the public to determine presence of any of the special status species which might have entered the work area.
19. Only Service and Department approved biologists who are familiar with the biology and ecology of the California red-legged frog shall capture or handle this species. In addition, only Department approved biologists who are familiar with the biology and ecology of foothill yellow-legged frog, western pond turtle, bat species present and San Francisco dusky-footed woodrat shall capture or handle these listed species. Caltrans and contractor shall take all precautions for protection of field crews from arena viruses and other potential pathogens in woodrat nests.
20. To the extent practicable; tree roots will be left in place to sustain bank stability; only those branches in the lower 1/3 of any tree and less than four inches in diameter may be pruned to accommodate project activities; understory riparian vegetation such as native blackberries, willows, gooseberries, etc. may be pruned only as needed to accommodate project activities; and no vegetation shall be removed by excavation or cutting off below the soil. All pruned material shall be removed from the area and properly disposed of.
21. Biologists shall take precautions to prevent introduction of amphibian diseases to the action area by disinfecting equipment and clothing as directed in the Service's California Red-Legged Frog Survey Guidance available at the Service's Sacramento office website (<http://www.fws.gov/sacramento/es/protocol.htm>). Disinfecting equipment and clothing is especially important when biologists are coming to the action area to handle frogs after working in other aquatic habitats.
22. An employee education program covering the special status species listed in condition 7 must be conducted before groundbreaking for the Uvas Creek Bridge Replacement Project. The program should consist of a brief presentation by the on-site biologist to explain special status species concerns to all contractors, their employees, and agency personnel involved in the project. The program shall include a description of the special status species and their habitat needs; an explanation of the status of these species and their protection under the Endangered Species Act, the California Endangered Species Act and Fish and Game Code; associated consequences of noncompliance with the biological opinions, this Agreement and the Conservation Measures; and a description of the measures being taken to reduce effects to these species during project construction and implementation. An outline of the training program shall be submitted to NMFS, the Service and the Department within twenty (20) working days prior to the start of construction (contact information in condition 2). Documentation of the training, including individual signed affidavits, will be kept on file and available on request.

Additional personnel joining the project must take the training prior to commencing work and certification of any subsequent trainings provided to the Service and Department.

23. Project employees shall be provided with written guidance governing vehicle use, speed limits on unpaved roads, fire prevention, and other hazards. Project-related vehicles shall observe a 15-mile (24-kilometer) per hour speed limit within construction areas, except on County roads, and State and Federal highways; this is particularly important at night when the California red-legged frog is most active. To the maximum extent possible, night-time construction should be minimized. Off-road traffic outside of designated project areas shall be prohibited. Permanent and temporary disturbances and other types of project-related disturbance to the habitats of the special status species shall be minimized to the maximum extent practicable by Caltrans. To minimize temporary disturbances, all project-related vehicle traffic shall be restricted to established roads, construction areas, and other designated areas. These areas also should be included in pre-construction surveys and, to the maximum extent possible, should be established in locations disturbed by previous activities to prevent further adverse effects.
24. The construction area shall be delineated with high visibility temporary fencing at least 4 feet (1.2 meters) in height, flagging, or other barrier to prevent encroachment of construction personnel and equipment onto any sensitive areas during project work activities. Such fencing shall be inspected and maintained daily at the direction of Caltrans, until completion of the project. The on site monitor or biologist shall inspect the fence daily and verify that it is meeting the terms of this condition. If it is not, Caltrans shall direct the contractor to make such changes as are necessary to bring it into compliance with the this condition. The monitor or biologist shall have the final say in whether the condition of the fence complies with this condition. The disturbance or removal of vegetation for access to the site shall not exceed the minimum necessary to complete operations. Where feasible, hand tools (chain saw, etc.) shall be used to trim vegetation to the extent necessary to gain access to the work site. No native vegetation outside the project impact limits shall be impacted to facilitate fence installation. Precautions shall be taken to avoid damage to vegetation by people or equipment. Vegetation outside the construction corridor shall not be removed or damaged without prior consultation and approval of a Department representative. All cleared material/vegetation shall be removed out of the riparian/stream zone. No project activities shall occur outside of the delineated project construction area. Once an access road has been cleared, it shall be flagged to delineate the construction corridor limits. Actions within the project area shall be limited to vehicle and equipment operation on existing roads. The fencing will be removed only when all construction equipment is removed from the site.
25. To prevent inadvertent entrapment of special status species during construction, all excavated, steep-walled holes or trenches more than 2 feet (0.61 meters) deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they must be thoroughly inspected for trapped animals. If at

any time a trapped listed animal is discovered, the on-site biologist should immediately place escape ramps or other appropriate structures to allow the animal to escape, or the Service and/or the Department shall be contacted by telephone for guidance.

26. To eliminate an attraction to predators of the special status species all food-related trash items such as wrappers, cans, bottles, and food scraps must be disposed of in closed containers and removed at least once every day from the entire project site.
27. To avoid injury or death of special status species, no firearms shall be allowed on the project site except for those carried by authorized security personnel, or local, State, or Federal law enforcement officials.
28. To prevent harassment, injury or mortality of species or destruction of their burrows or nests by dogs or cats, no canine or feline pets shall be permitted in the action area.
29. Caltrans shall report, as appropriate to the agency, any information about take or suspected take of special status fish or wildlife species. Caltrans must notify the appropriate agency or agencies via electronic mail and telephone within 24 hours of receiving such information. Notifications must include the date, time, location of the incident or of the finding of a dead or injured animal, and photographs of the specific animal. If steelhead injury or mortality occurs, the report must also include the number of South-Central California DPS steelhead killed or injured during the proposed action; the number and size (in millimeters) of South-Central California DPS steelhead captured and removed; any effect of the proposed action on South-Central California DPS steelhead not previously considered; the peak and RMS dB levels from pile driving and impacts to steelhead; and photographs taken before, during, and after the activity from photo reference points. The individual animal shall be preserved, as appropriate, and held in a secure location until instructions are received from the Service and/or NMFS regarding the disposition of the specimen or the Service or NMFS takes custody of the specimen. See the NMFS Biological Opinion for special instructions on the preservation and disposition of steelhead mortalities. In addition to the contacts in condition 2, notification must be made to Special Agent, Scott Heard of the Service's Law Enforcement Division at (916) 414-6660. Injured special status species must be cared for by a licensed veterinarian or other qualified person such as the on-site biologist.

Water Quality Protection

30. 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. Any hazardous or toxic materials that could be deleterious to aquatic life that could be washed into State waters or its tributaries shall be contained in water tight containers or removed from the project site.

31. Poured concrete shall be excluded from the wetted channel for a period of 30 days after it is poured. During that time the poured concrete shall be kept moist, and runoff from the concrete shall not be allowed to enter a live stream. Commercial sealants may be applied to the poured concrete surface where difficulty in excluding water flow for a long period may occur. If sealant is used, water shall be excluded from the site until the sealant is dry. Concrete washing shall not occur within 100 feet of the stream or where washings may contact a wetland or riparian area. A secondary containment system shall be set up and maintained to isolate and pump out of the creek any waters contaminated with leachate from curing concrete.
32. All grindings and asphaltic-concrete waste shall be stored within previously disturbed areas absent of habitat and a minimum of 150 feet (45.7 meters) from any culvert, or drainage feature.
33. Any equipment or vehicles driven and/or operated adjacent to the creek shall be checked and maintained daily to prevent leaks of materials that if introduced to water could be deleterious to aquatic life, wildlife, or riparian habitat. A spill response plan and spill kit shall be kept in close proximity to construction personnel. All workers shall be informed of the importance of preventing spills, and of the appropriate measures that need to be taken should a spill occur. Areas in which work will be accomplished, containment areas will be created using, as an example, berms and heavy duty liners. BMPs include such actions as having staged on site, hazardous waste clean-up equipment and spill kits, using the appropriate size and gauge drip pans and absorbent diapers. The biological monitor shall ensure contamination of habitat does not occur during such operations.
34. Staging/storage areas for machinery, equipment, materials, equipment maintenance, and dispensing of fuel, oil, coolant, or any other such activities shall be located outside of stream channels, wetlands and areas with riparian vegetation and only within the flagged, taped and/or fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas in such a manner as to prevent any runoff from entering waters of the United States, and shall be shown on the construction plans. As part of the project Plans and Specifications document, the Corps requires the construction contractor to address environmental protection and pollution control using BMPs as requirements prescribed under the Storm Water Pollution Prevention Plan (SWPPP) for potential hazardous or contaminated material. This is a mandatory requirement of the Plans and Specs and is further implemented into the contractual agreement as part of the projects' Clean Water Act Section 402 permit requirement. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. All refueling, maintenance, and staging of equipment and vehicles shall occur at least 60 feet from riparian habitat or water bodies. "No-fueling zones" shall be designated on the construction plans. If dispensing of fuel, oil, or coolant is necessary within the flood control channel because of the distance necessary for equipment to reach the limited access points, these activities may occur within the channel, but outside the low-flow channel or any open waters areas, using the BMPs described in condition 29.

Dewatering / Cofferdams

35. Site dewatering shall occur in conformance with the plan proposed by Caltrans and approved in the NMFS Biological Opinion. The entire work area shall be dewatered. The enclosure and the supportive material shall be removed when the work is completed and the removal shall normally proceed from downstream in an upstream direction. Normal flows shall be restored to the affected stream immediately upon completion of work at that location. Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and which shall provide flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion. Normal flow shall be restored to the affected stream immediately upon completion of work at that location.
36. Caltrans shall minimize the loss of juvenile South-Central California Distinct Population Segment (DPS) steelhead during de-watering and cofferdam construction. Caltrans shall report to National Marine Fisheries Service (NMFS) activities associated with minimizing and monitoring proposed action effects on South-Central California DPS steelhead.
37. Pre-construction activities during both years shall include the collection and relocation of fish by qualified fisheries biologists from the construction site prior to and during de-watering. Fish collection shall occur by electrofishing and netting. A minimum of one assistant will aid the biologist during electrofishing by netting stunned fish and other aquatic vertebrates. At least one fisheries biologist shall be familiar with the life history and identification of South-Central California DPS steelhead with a minimum of three years field experience and a minimum of three years field experience with electrofishing techniques. A qualified biologist shall monitor the action area at least three times per week during construction for the purpose of identifying and reconciling any condition that could adversely affect salmonids or their habitat.
38. No electrofishing shall occur if water conductivity is greater than 350 seconds/centimeter or when instream water temperatures exceed 18° Celsius (C) (64.4° F). Only direct current (DC) shall be used. If steelhead in the dewatered section of Uvas Creek are removed with a backpack electrofisher, it will be set as follows:
 - A) Voltage: 100V initial (IN) – 300V max (MX)
 - B) Frequency: 500s IN – 5ms MX
 - C) Duration: 30 Hz IN – 70 Hz MX

39. Block nets shall be placed at the upper and lower extent of the areas electrofished. Block net mesh will be sized to ensure salmonids upstream or downstream do not enter the areas proposed for dewatering between passes (at least three passes required) with the electrofisher. Block nets will extend across the entire wetted channel and will remain in place until cofferdam and culvert installation is completed.
40. All captured fish will be held in well oxygenated water with temperatures equivalent to ambient instream temperatures. All captured fish will be allowed to recover from electrofishing before being returned to the stream. Once recovered, they will be placed in suitable habitat (instream cover and pools greater than one foot deep) downstream of the project area. All fish must be processed and released before conducting another pass of electrofishing.
41. During dewatering procedures, intakes will be completely screened with wire mesh not larger than 0.2 inches (5 millimeters) to prevent South-Central California DPS steelhead, California red-legged frogs and foothill yellow legged frogs from entering the pump system.
42. Cofferdam construction and removal shall take place by hand. No mechanized equipment shall be used during cofferdam construction or removal. The dam shall be removed so that surface elevations of water impounded above the cofferdam shall not be reduced at a rate greater than one inch per hour. This will minimize the risk of beaching and stranding fish as the area upstream becomes dewatered.

Erosion Control and Revegetation

43. 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 be placed where it may enter the stream. To the maximum extent practicable (i.e., presence of natural lands), topsoil shall be removed, cached, and returned to the site according to successful restoration protocols. Loss of soil from run-off or erosion shall be prevented with straw bales, straw wattles, or similar means provided they do not entangle, block escape or dispersal routes of listed animal species.
44. Upon completion of the proposed action, all special status species habitat subject to temporary ground disturbances, including storage and staging areas, temporary roads, etc. must be re-contoured, if appropriate, and revegetated with seeds and/or cuttings of appropriate plant species to promote restoration of the area to pre-project conditions. An area subject to "temporary" disturbance means any area that is disturbed during the project, but that after project completion will not be subject to further disturbance and has the potential to be revegetated.
45. Rock, riprap, or other erosion protection shall be placed in areas where vegetation cannot reasonably be expected to become re-established. All other areas of disturbed soil which drains toward the stream channel shall be seeded with native plant seed and mulched.

Streambank areas receiving rock slope protection (rip rap) shall be back-filled with appropriate topsoil. The topsoil fill should be placed to fill the voids in the rock slope protection and provide a substrate for revegetation efforts.

46. Plastic mono-filament netting (erosion control matting) or similar material shall not be used at the project site because special status species may become entangled or trapped in it. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.

Reporting Requirements

47. Caltrans shall submit to NMFS, the Service and the Department their draft proposal for the mitigation, restoration and revegetation plan at least sixty (60) calendar days prior to initial ground breaking; the final plan shall be submitted for approval by the Service and the Department prior to ground breaking at the proposed project. All trees removed with a diameter at breast height (DBH) in excess of 4 inches shall be planted at a 1:1 ratio (replacement of one for every one removed) for on site mitigation or at a 3:1 (replacement of three for every one removed) ratio for off site mitigation. Although this plan will be based primarily on replacement of individual trees, the result must likewise be the creation of replacement habitat of at least .24 acres of valley foothill riparian and at least 1.96 acres of coast oak woodland. The draft and final plan shall contain specific quantifiable criteria to evaluate the success of the restoration. A biologist shall ensure that areas subject to temporary disturbance have been adequately restored, and this information is included under the final reports described in 3.b. of the Terms and Conditions of the biological opinion.
48. Plantings shall be monitored for a five year period with a success criteria of 80 percent survival by the fifth year. Annual reports shall be submitted to the Regional Water Quality Control Board and the Department summarizing each years monitoring results.
49. Caltrans shall submit a post-construction compliance report prepared by the on-site biologist to NMFS, the Sacramento Fish and Wildlife Office and the Department within 60 days following project completion or within 60 calendar days of any break in construction activity lasting more than 60 calendar days. This report shall detail (i) dates that construction occurred; (ii) pertinent information concerning the success of the project in meeting compensation and other conservation measures; (iii) an explanation of failure to meet such measures, if any; (iv) known project effects on the California red-legged frog, and least Bell's vireo and other special status species, if any; (v) occurrences of incidental take of any special status species; (vi) documentation of employee environmental education; and (vii) other pertinent information. The reports shall be addressed to NMFS, the Service and Department (contact information in condition 2). See the NMFS Biological Opinion of July 21, 2006 for additional NMFS reporting requirements.
50. If any special status species (state or federal) are observed during project construction or

activity, the Applicant shall submit Natural Diversity Data Base (NDDDB) forms to the NDDDB within five working days of the sightings, and provide DFG Region 3 with copies of the NDDDB forms and survey maps.

General Conditions

51. In the event that the project scope, nature, or environmental impact is altered by the imposition of subsequent permit conditions by any local, state or federal regulatory authority, the Applicant shall notify the Department of any imposed project modifications that interfere with compliance to Department conditions.

52. The Applicant 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 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.

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.

The Applicant 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.

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). Amendments to the original Agreement are issued at the discretion of the Department.

If the Applicant would like 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 by December 31, 2010. The Department shall not accept any renewal request after this date. After an agreement expires, the Applicant must re-notify the Department. The renewal request shall describe: 1) The extent of work already completed; 2) Activities that remain to be completed within the stream zone; 3) Estimates of time required to complete each of the remaining activities within the stream zone; and 4) Any changes in the project or at the site. A renewal or an amendment requires a fee. The Fee

Schedule can be obtained at www.dfg.ca.gov/1600 or by phone at (707) 944-5520. Renewals and amendments 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:

Applicant's name (print): FRANCIS D. MENS AH

Applicant's signature: Francis D. Mensah

Signed the 18th day of APRIL, 2008

FOR DEPARTMENT USE ONLY

Date Received	Amount Received	Amount Due	Date Complete	Notification No.
6/27/07	\$ 4,000.00	\$		1600-2007-0332-3



#082-186668
CA. DEPT. OF
TRANSPORTATION

STATE OF CALIFORNIA

DEPARTMENT OF FISH AND GAME

JOHNSTON
KROLL
WT. NORES



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.

Fish & Game

1. APPLICANT PROPOSING PROJECT

JUN 27 2007

Name	Gene Gonzalo, Project Manager			
Business/Agency	California Department of Transportation		Yountville	
Street Address	111 Grand Avenue	Mailing: P. O. Box 23660, Oakland, CA 94623		
City, State, Zip	Oakland, CA 94612			
Telephone	(510) 622-0810	Fax	(510) 286-6107	
Email	Gene_Gonzalo@dot.ca.gov			

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

Name	Jessica Range, Environmental Planner			
Street Address	111 Grand Avenue, Mail Station 8E	Mailing: P. O. Box 23660, Oakland, CA 94623		
City, State, Zip	Oakland, CA 94612			
Telephone	(510) 286-6375	Fax	(510) 286-6374	
Email	Jessica_Range@dot.ca.gov			

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		Uvas Creek Bridge Replacement 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)	
2007	2011	06/15	10/15	720.00

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"/> DFG Fisheries Restoration Grant Program (FRGP) FRGP Contract Number: _____
G.	<input type="checkbox"/> Master
H.	<input type="checkbox"/> Master Timber Harvesting

6. FEES

Please see the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. Note: The Department may not process this notification until the correct fee has been received.			
	A. Project	B. Project Cost	C. Project Fee
1	Uvas Creek Bridge Replacement Project	\$1,500,000.00	\$4,000.00
2			
3			
4			
5			
		D. Base Fee (if applicable)	
		E. TOTAL FEE ENCLOSED	\$4,000.00

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

<p>A. Address or description of project location. <i>(Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway)</i></p> <p>The proposed project is located in Santa Clara County west of the City of Gilroy on State Route 152 at Uvas Creek, between postmile 6.1 and 6.68.</p> <p style="text-align: right;"><input type="checkbox"/> Continued on additional page(s)</p>				
B. River, stream, or lake affected by the project.		Uvas Creek		
C. What water body is the river, stream, or lake tributary to?		Pajaro River		
D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown		
E. County	Santa Clara			
F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Mount Madonna	11 South	3 East	3	
<input type="checkbox"/> Continued on additional page(s)				
K. Meridian (check one)	<input type="checkbox"/> Humboldt <input checked="" type="checkbox"/> Mt. Diablo <input type="checkbox"/> San Bernardino			
L. Assessor's Parcel Number(s)				
Caltrans right-of-way				
<input type="checkbox"/> Continued on additional page(s)				
M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)				
Latitude/Longitude	Latitude: 37.01126		Longitude: -121.62757	
	<input checked="" type="checkbox"/> Degrees/Minutes/Seconds		<input type="checkbox"/> Decimal Degrees <input type="checkbox"/> Decimal Minutes	
UTM	Easting: 622099	Northing: 4097002		<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input 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 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.

See Attachment B, C and D

Continued on additional page(s)

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

See Attachment B

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

<p>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.</p>														
<p>See Attachment B</p>														
<input checked="" type="checkbox"/> Continued on additional page(s)														
<p>B. Will the project affect any vegetation? <input checked="" type="checkbox"/> Yes (Complete the tables below) <input type="checkbox"/> No</p>														
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Vegetation Type</th> <th style="text-align: left;">Temporary Impact</th> <th style="text-align: left;">Permanent Impact</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Valley foothill riparian</td> <td style="padding: 2px;">Linear feet: <u> 771 </u> Total area: <u> 1.11 </u></td> <td style="padding: 2px;">Linear feet: <u> 20 </u> Total area: <u> 0.24 </u></td> </tr> <tr> <td style="padding: 2px;">Coast oak woodland</td> <td style="padding: 2px;">Linear feet: <u> 870 </u> Total area: <u> 0.7 ac </u></td> <td style="padding: 2px;">Linear feet: <u> 1,312 </u> Total area: <u> 1.96 ac </u></td> </tr> </tbody> </table>	Vegetation Type	Temporary Impact	Permanent Impact	Valley foothill riparian	Linear feet: <u> 771 </u> Total area: <u> 1.11 </u>	Linear feet: <u> 20 </u> Total area: <u> 0.24 </u>	Coast oak woodland	Linear feet: <u> 870 </u> Total area: <u> 0.7 ac </u>	Linear feet: <u> 1,312 </u> Total area: <u> 1.96 ac </u>					
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See Attachment B														
<input checked="" type="checkbox"/> Continued on additional page(s)														
<p>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?</p>														
<p><input checked="" type="checkbox"/> Yes (List each species and/or describe the habitat below) <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>														
<p>See Attachment B</p>														
<input checked="" type="checkbox"/> Continued on additional page(s)														
<p>D. Identify the source(s) of information that supports a "yes" or "no" answer above in Box 11.C.</p>														
<p>See Attachment B</p>														
<input checked="" type="checkbox"/> Continued on additional page(s)														
<p>E. Has a biological study been completed for the project site?</p>														
<p><input checked="" type="checkbox"/> Yes (Enclose the biological study) <input type="checkbox"/> No</p>														
<p><i>Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.</i></p>														
<p>F. Has a hydrological study been completed for the project or project site?</p>														
<p><input type="checkbox"/> Yes (Enclose the hydrological study) <input checked="" type="checkbox"/> No</p>														
<p><i>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.</i></p>														

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.

Methods described in the Caltrans Construction Site Best Management Practices (BMP) Manual (http://www.dot.ca.gov/hq/construc/Construction_Site_BMPs.pdf) will be implemented to prevent sediment from entering Uvas Creek. These methods include the use of straw bales, fiber rolls, visqueen and silt fence.

Continued on additional page(s)

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

Attachment B and the project BA (Attachment C) describes avoidance and minimization measures that will be implemented to protect fish, wildlife, and plant resources. A detailed Mitigation, Monitoring and Revegetation Plan (MMRP) is being written for the project and will be submitted to DFG in September 2007.

Continued on additional page(s)

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

See Attachment B.

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. Army Corps of Engineers Applied Issued

B. Regional Water Quality Control Board - Central Applied Issued

C. _____ Applied Issued

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

Continued on additional page(s)

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

14. ENVIRONMENTAL REVIEW

A. Has a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA), National Environmental Protection Act (NEPA), California Endangered Species Act (CESA) and/or federal Endangered Species Act (ESA)?			
<input checked="" type="checkbox"/> Yes (Check the box for each CEQA, NEPA, CESA, and ESA document that has been prepared and enclose a copy of each) <input type="checkbox"/> No (Check the box for each CEQA, NEPA, CESA, and ESA document listed below that will be or is being prepared)			
<input type="checkbox"/> Notice of Exemption	<input type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/> NEPA document (type): _____	
<input type="checkbox"/> Initial Study	<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> CESA document (type): _____	
<input checked="" 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)			
C. Has a CEQA lead agency been determined?		<input type="checkbox"/> Yes (Complete boxes D, E, and F) <input type="checkbox"/> No (Skip to box 14.G)	
D. CEQA Lead Agency	California Department of Transportation		
E. Contact Person	Jared Goldfine	F. Telephone Number	(510) 286-6203
G. If the project described in this notification is part of a larger project or plan, briefly describe that larger project or plan.			
The project is not part of a larger project or plan.			
<input type="checkbox"/> Continued on additional page(s)			
H. Has an environmental filing fee (Fish and Game Code section 711.4) been paid?			
<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)			
CEQA documentation has been filed by Caltrans. The State Clearinghouse number is 2005122072. A Negative Declaration was filed on 12/19/05. A Notice of Determination was filed 8/11/06.			
<i>Note: If a filing fee is required, the Department may not finalize a Lake or Streambed Alteration Agreement until the filing fee is paid.</i>			

15. SITE INSPECTION

Check one box only.
<input checked="" type="checkbox"/> In the event the Department determines that a site inspection is necessary, I hereby authorize a Department representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant the Department such entry.
<input type="checkbox"/> I request the Department to first contact (insert name) _____ at (insert telephone number) _____ to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay the Department's determination as to whether a Lake or Streambed Alteration Agreement is required and/or the Department's issuance of a draft agreement pursuant to this notification.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

16. DIGITAL FORMAT

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

	<u>6/22/07</u>
Signature of Applicant or Applicant's Authorized Representative	Date
<u>GENE C. GONZALO</u>	
Print Name	