



DEPARTMENT OF FISH AND GAME

South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201



August 3, 2009

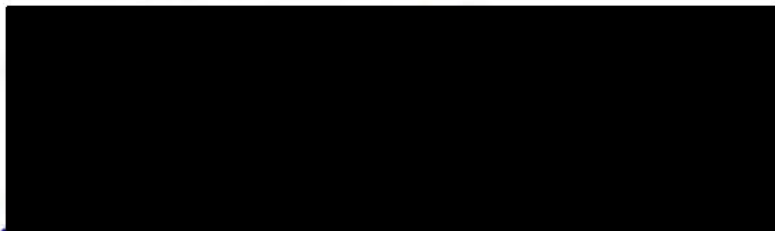
Ventura County Watershed Protection District
Attn: Pam Lindsey
800 South Victoria Avenue
Ventura, CA 93009

Dear Ms [REDACTED]:

Enclosed is Lake or Streambed Alteration Agreement # 1600-2004-0512-R5, that authorizes work on the Operations and Maintenance Program project impacting various watercourses in Ventura County. This action is authorized under Section 1602 of the Fish and Game Code and has been approved by the California Department of Fish and Game. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the Department filed a Notice of Determination (NOD) on the project on August 3, 2009. Under CEQA regulations, the project has a 30-day statute of limitations on court challenges of the Department's approval.

The Department believes that the project fully meets the requirements of the Fish and Game Code and CEQA. However, if court challenges on the NOD are received during the 30-day period, then an additional review or even modification of the project may be required. If no comments are received during the 30-day period, then any subsequent comments need not be responded to. This information is provided to you so that if you choose to undertake the project prior to the close of the 30-day period, you do so with the knowledge that additional actions may be required based on the results of any court challenges that are filed during that period.

Please contact [REDACTED] if you have any questions regarding the Lake or Streambed Alteration Agreement.



For Environmental Program Manager

Enclosure

Revised 11/05

RECEIVED

AUG 06 2009

WATERSHED PROTECTION DIST.

CALIFORNIA DEPARTMENT OF FISH AND GAME

4949 Viewridge Avenue
San Diego, CA 92123

July 7, 2009

Notification No. 1600-2004-0512-R5

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**ROUTINE MAINTENANCE AGREEMENT REGARDING
PROPOSED STREAM OR LAKE ALTERATION**

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and the Ventura County Watershed Protection District, represented by the Director, (805) 654-2040, 800 South Victoria Avenue, Ventura, CA 93009 hereinafter called the District, defines, delineates and conditions a simplified regulatory review process to maintain proper operation of the District's flood control facilities to protect life and property while minimizing impacts to fish and wildlife resources.

WHEREAS, pursuant to Section 1602 of the California Fish and Game Code, the District, on the April 1, 2008, notified the Department about the availability of their Draft Program Environmental Impact Report (Program EIR) and that they intend to minimize impacts to the natural flow of, to minimize impacts to the bed, channel, or bank of, or minimize use of material from the streambed(s) of the following water(s): all waters within Ventura County, California, that are part of the District's flood control facilities as identified in their Program EIR (See Program EIR for details). The Program EIR includes best management practices (BMPs) to reduce or avoid effects of the following activities on the environment: 1) Routine Operations and Maintenance, 2) Water Diversion, 3) Stream Gauge Maintenance, and 4) Rodent Control Activities.

WHEREAS, the Department (represented by Dan Blankenship) has determined that such operations may substantially adversely affect existing fish and wildlife resources identified in the Program EIR without the use of BMPs and all other aquatic and wildlife resources in the area, including the riparian vegetation which provides valuable habitat for fish and wildlife.

THEREFORE, the Department hereby proposes a long-term agreement that supports the use of the BMPs identified in the Program EIR and the additional conditions in this Agreement to minimize impacts and to protect fish and wildlife resources during the District's work. The District hereby agrees to follow the BMPs developed in the Program EIR and specifically listed in the Agreement along with additional conditions in this agreement as part of the proposed work.

If the District's work changes from that stated in the Program EIR including routine maintenance and occasional repairs, this Agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this Agreement and with other pertinent code sections, including but not limited to Fish and Game Code Sections 5650, 5652, 5901, 5931, 5937, and 5948, may result in prosecution.

Nothing in this Agreement authorizes the District to trespass on any land or property, nor does it relieve the District of responsibility for compliance with applicable federal, state, or local laws or ordinances. A consummated Agreement does not constitute Department of Fish and Game endorsement of the proposed operation, or assure the Department's concurrence with permits required from other agencies.

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This Agreement becomes effective the date of the Department's signature and the construction portion terminates on December 31, 2019. This Agreement shall remain in effect to satisfy the terms/conditions of this Agreement. Any provisions of the agreement may be amended at any time provided such amendment is agreed to in writing by both parties. Mutually approved amendments become part of the original agreement and are subject to all previously negotiated provisions.

Pursuant to Section 1600 et. seq., the District may request one extension of the Agreement; the District shall request the extension of this Agreement prior to its termination. The one extension may be granted for up to five years from the date of termination of the Agreement and is subject to Departmental approval. The extension request and fees shall be submitted to the Department's South Coast Office at the above address. If the District fails to request the extension prior to the Agreement's termination, then the District shall submit a new notification with fees and required information to the Department. Any construction impacts conducted under an expired Agreement are a violation of Fish and Game Code Section 1600 et. seq. For complete information see Fish and Game Code Section 1600 et. seq.

The following provisions, and those that are fully disclosed in the District's Program EIR, constitute the limit of activities agreed to and resolved by this Agreement. The signing of this Agreement does not imply that the District is precluded from doing other activities at the site. However, activities not specifically agreed to and resolved by this Agreement, shall be subject to separate notification pursuant to Fish and Game Code Sections 1600 et seq.

Copies of this Agreement and all required permits and supporting documents (Routine Operations and Maintenance EIR, May 2008) provided with the notification or referenced by this Agreement shall be readily available at the work site at all times during periods of active work.

The District certifies by signing this agreement that the project site(s) has been surveyed and shall not impact any rare, threatened or endangered species. Or the District certifies that such a survey is not required for the proposed project. If rare, threatened or endangered species occur within the proposed work area, or could be impacted by the work proposed, the District shall consult with the Department and obtain any required State and/or Federal permits.

MAINTENANCE ACTIVITES

Description of Routine Operations and Maintenance Activities:

The primary objective of the Watershed Protection District's (District's) routine maintenance program is to maintain the proper operation of the District's flood control facilities to protect life and property. Maintenance preserves the appropriate conveyance capacity of the facilities and prevents the accumulation of obstructing vegetation and sediments that could increase existing flood hazards. By maintaining these facilities consistent with their original design, the District reduces or prevents flooding and erosion hazards that may result in damage to life, property, and infrastructure.

The current maintenance program is an ongoing program that began with the formation of the District in 1946. The program has grown over the years as new flood control facilities were constructed. As such, the program includes a wide range of facilities that were constructed (or

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adopted from other public and private entities) over the past 60 years. New facilities to be maintained are added as the District completes or adopts new capital projects. The maintenance program constantly adapts to a wide variety of site conditions, project designs, and maintenance requirements.

The District does not propose to modify the objectives, geographic scope, activity guidelines, or fundamental methodologies of the current maintenance program. The District does not believe that it can reduce, curtail, or scale back any current maintenance work without hindering its responsibility for protecting life and property.

However, the District recognizes that some of its maintenance work can be performed in a more environmentally sensitive manner, or that certain precautions and protective measures can be implemented that would reduce environmental effects of its work.

The proposed project addressed in the Program EIR is to incorporate specific feasible environmental protection measures into the current maintenance program for existing facilities. These measures are called "environmental best management practices" (BMPs) in the Program EIR. The District is voluntarily proposing to adopt these measures as part of the routine maintenance program to reduce incidental effects of the routine maintenance on the environment, and to facilitate acquisition of long-term state and federal permits. The proposed "project," as defined under the California Environmental Quality Act (CEQA) Guidelines is the adoption of the environmental BMPs. This "project" is proposed to improve environmental protection during maintenance activities to the extent feasible without compromising the overall objectives of the maintenance program. Therefore, for this project, the District's objectives are to:

1. Reduce delays in operation and maintenance activities due to delays in permit response time.
2. Improve environmental protection during maintenance activities.
3. Maintain current levels of flood control protection within its jurisdiction to protect life and property.

Maintenance of Future Flood Control Facilities and CEQA/Streambed Alteration Agreement:

The District must conduct a CEQA environmental review for the construction of new flood control facilities. In the past, the District typically approved projects without a specific reference to the maintenance requirements for the facilities. It was generally understood that projects would be maintained as necessary to ensure their proper functioning. This practice has resulted in some uncertainty and confusion about the necessary maintenance requirements for existing facilities because there is no documentation from the design and environmental review processes. To avoid future confusion, the District is now including facility-specific maintenance requirements and methods in the environmental review and approval process for most new capital projects. Hence, the environmental impacts of maintenance of new flood control projects are now being addressed in the CEQA documents for the new projects. Through this process, environmental protection measures for the long-term maintenance of new facilities are now being adopted as part of the original project approvals by the District's Board of Directors.

The District Board of Director's approved the environmental BMPs addressed in the Program EIR, the BMPs will be applied to maintenance requirements of all future capital projects designed and constructed by the District to create uniformity among facilities. The applicability of

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these BMPs for future projects will be determined in the CEQA review of the new projects. The proposed BMPs will be incorporated to future projects by reference. The BMPs may be supplemented by additional site- or facility-specific measures, if determined to be necessary based on the environmental impact analysis performed for the new project.

Environmental Best Management Practices:

The District currently implements BMPs during routine maintenance activities. Implementation of these existing BMPs will continue in addition to the new BMPs developed in the Program EIR. The following is a summary of the existing BMPs that the District currently uses during routine maintenance activities that will be continued under this agreement.

- The minimum size/type of equipment is employed to complete the activity to minimize potential impacts.
- The minimum strength required to achieve the goal for each chemical product is used and staff follows specific pesticide protocols. Only products approved for aquatic use are applied within the bed and banks of any channel or basin facility. Post-emergent products are applied only to plants via target application where plants are sparse.
- Gates, fences, and "no trespassing" signs are kept in working order to discourage dumping and vandalism.
- Silt fencing, k-rail, sandbag barriers, and straw wattles are routinely installed and maintained during work to prevent soil from leaving the work areas into the stream or channel.
- Silt fencing or other barriers are placed around temporary soil stockpile sites to contain material. Soil stockpiles are maintained free of vegetation.
- Water diversions are routinely used to prevent soil and concrete from entering surface waters adjacent to maintenance work areas.
- Plastic-lined sandbag concrete wash out pits stationed in uplands are required for each site where concrete pouring occurs.
- Pipe and pump station flushing activities are conducted with a vacuum system to avoid release of materials into channels or surface waters.
- Trash is screened and separated from trash racks and debris collected from channels and basin. Trash is then hauled to a County waste transfer facility.
- Rumble strips, street sweepers, and wattles over storm drain inlets are employed to prevent soil from entering streets and storm drains.
- Local fire abatement requirements are met by conducting annual brush clearance in District right of way adjacent to residential areas.

In addition, the District developed the Operators Manual for Conducting Flood Control Activities in Ventura County Streams and Rivers (1981), which serves as an additional resource for training of operations and maintenance staff.

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The District has formally developed 25 additional environmental BMPs to reduce the environmental effects of its routine maintenance program for existing and new flood control facilities. The BMPs represent precautions and procedures to be used when planning and implementing maintenance activities that could affect sensitive environmental resources including wetlands, riparian habitat, aquatic habitat, threatened and endangered species, species of special concern, water quality, and hydraulic conditions in the watershed. The BMPs have been designed to be feasible and practical. They will not curtail, reduce, or otherwise inhibit the District's maintenance requirements and activity guidelines. Implementation of the BMPs will become standard practice for the maintenance crews. The following BMPs are taken from the Program EIR with some additional clarification language added.

BMP 1. Avoid Channel Work During the Rainy Season. Routine maintenance and repair activities in earthen channels and in channels with soft bottoms and bank protection shall not occur during the rainy season December 1 to April 1 to avoid work when water could be present in the drainage due to runoff. Routine maintenance and repair activities may occur during this period if water is absent from the drainage because of low runoff conditions, or activities can be performed without working in flowing water. Work in flowing water during this period may proceed if there are no feasible alternatives and completion of the maintenance work during this time period is critical. Work in flowing water shall be conducted according to the BMPs established in the Water Diversion Guide attached as Appendix E to the Program EIR.

BMP 2. Prevent Discharge of Silt-Laden Water During Concrete Channel Cleaning. The removal of sediments, vegetation, algae, and trash from fully lined improved channels for purposes of NPDES storm water permit compliance shall include measures to prevent the discharge of silt-laden water or pollutants to downstream unimproved channels with soft bottoms (Board Order No. 09-0057; NPDES Permit No. CAS004002, adopted on May 7, 2009). These measures may include temporary downstream silt barriers (sand bags, straw bales, in-channel materials), silt fences, upstream diversion, etc. Per Section 401 Water Quality Certification requirements, a Water Diversion Plan would be needed for water diversion activities.

BMP 3. Location of Temporary Stockpiles. Temporary stockpiles outside the channels or debris basins shall be stabilized by compacting or other measures if present at the work site from December 1 to April 1. Silt fences, berms, or other methods shall be used to prevent sediments from being eroded from the temporary stockpile into the adjacent drainage. Temporary stockpiles may be placed in channel bottoms or debris basins if they are located on barren soil or areas with non-native weeds, and are not placed in such a manner that they would be exposed to flowing water. No temporary stockpiles shall be placed on the channel bed or banks during the period of 1 December to 1 April for more than the duration of the sediment removal work. Temporary stockpiles in the channel bottom shall be for a duration for one working day and not over night.

BMP 4. Survey for Habitat Prior to Routine Maintenance Work. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all native birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).

Prior to routine maintenance and repair activities performed within or adjacent to an earthen or earthen bottom channel or in-channel structure during the period March 1 to August 1,

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a District biologist or consulting biologist shall determine if suitable habitat is present for native breeding birds in or within 300 feet of the work area. Suitable habitat is generally defined as dense or moderately dense willow or mulefat scrub or woodland, but also includes moderately dense stands of non-native vegetation with sufficient density and vegetative structure to support nesting and foraging.

Prior to routine maintenance and repair activities performed within or adjacent to an earthen or earthen bottom channel or in-channel structure that would disrupt foraging or nesting of raptors during the period February 1 to August 1, a District biologist or consulting biologist shall survey the 500 feet radius around the project site for raptor nest initiation or occupation.

Channel cleanout shall be postponed to August 1 if such habitat is present in the work area or within 300 to 500 feet of the work area, or until nestlings have fledged if the District determines that riparian bird or raptor nesting is occurring in the habitat area. This restriction does not apply if the nesting birds are English house sparrows or other introduced species. If any native migratory (passerine) birds are found nesting within the 300 feet or any raptors are found nesting within 500 feet survey radius, the District shall consult with CDFG to develop a conservation plan of action. If any federally or state listed birds are found within 500 feet of the work area, Threatened and Endangered Species BMPs 44-46 (page 17 of this agreement) will be implemented.

BMP 5. Survey for Steelhead Migration Conditions and Sensitive Aquatic Species Prior to Routine Maintenance Work. Prior to maintenance and repair activities in a channel during the period 1 December to 1 June that require the diversion of stream flow, work in flowing water, or work within 100 feet of flowing water on the Ventura River, San Antonio Creek, Thacher Creek, Santa Clara River, Santa Paula Creek, Sespe Creek, Hopper Creek, Pole Creek (unlined portions), and Piru Creek, qualified District personnel shall determine if flow conditions (i.e., flow, depth, stream continuity) are potentially suitable for the upstream or downstream migration of southern steelhead in the work area. Surveys for all sensitive aquatic species that could potentially occur in the project area or could be impacted by the project (i.e. California red-legged frogs including egg masses and tadpoles, Arroyo chub, Arroyo toad, and Southwestern pond turtle) shall also be conducted by a qualified biologist during this same time period. The District shall immediately notify the Department for consultation on specific mitigation actions upon finding sensitive species within, immediately adjacent to any work area, in areas that may be impacted by the routine maintenance work. Channel cleanout shall be postponed to June 1 if flows are sufficient for steelhead migration in the work area or within 100 feet of the work area. Per Section 401 Water Quality Certification requirements, a Water Diversion Plan would be needed for any water diversion activities.

BMP 6. Survey for Steelhead Rearing Habitat and Sensitive Aquatic Species Prior to Routine Maintenance Work. Prior to maintenance and repair activities in a channel during the period December 1 to June 1 that requires the diversion of stream flow, work in flowing water, or work within 100 feet of flowing water on the Ventura River, San Antonio Creek, Thacher Creek, Santa Clara River, Santa Paula Creek, Sespe Creek, Hopper Creek, Pole Creek (unlined portions), and Piru Creek, a District biologist or consulting biologist shall determine if suitable rearing habitat for steelhead is present in the work area or within 100 feet of the work area. If rearing habitat is present, District personnel shall determine if steelhead are present in the pools. If steelhead are not present, the work may proceed. If steelhead are present, the District shall follow avoidance and/or relocation procedures approved by NOAA Fisheries for such maintenance

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work if the work will occur while fish are present. Surveys for all sensitive aquatic species that could potentially occur in the project area or could be impacted by the project (i.e. California red-legged frogs including egg masses and tadpoles, Arroyo chub, Arroyo toad, and Southwestern pond turtle) shall also be conducted by a qualified biologist during this same time period.

BMP 7. Continue Existing Procedures for Sediment Removal and Vegetation Control for Calleguas Creek, Conejo Creek, and Revolon Slough. The District shall continue its procedures for sediment removal and in-stream vegetation control along unimproved channels along Calleguas Creek, Conejo Creek, Revolon Slough, Arroyo Las Posas and generally throughout Zone 3 in accordance with previous Streambed Alteration Agreements 5-540-91, 5-542-91, 5-115-89, 5-270-92, 5-541-91, and 5-388-90 unless otherwise negotiated in the new long-term agreement. The terms of these agreements will supersede any conflicting conditions in other BMPs.

BMP 8. Avoid Disturbance to Native Beach or Wetland Species. The District shall avoid areas of beach dune vegetation when accessing storm drain outlets at the beach with vehicles for routine maintenance. The removal of native beach or wetland plants that are located at or near the beach outlet shall be minimized. Prior to the removal of obstructive sand or vegetation from a beach outlet, qualified District personnel shall determine if suitable habitat (i.e., a brackish waterbody) is present at the outlet for tidewater gobies, and if the species is present. In addition, qualified District personnel shall determine if suitable habitat is present along the vehicle access route across the beach for foraging or nesting snowy plovers and California least terns. If any of these sensitive species are present at the storm drain outlet or along the access route, the District will either postpone the routine maintenance work until these species are no longer present, or follow avoidance and/or relocation procedures approved by U.S. Fish and Wildlife Service (USFWS). This BMP shall not apply if there is a threat of a storm and the outlet is plugged. The District shall contact the Department and USFWS when California least terns, snowy plover, or tidewater gobies are observed during the pre-project surveys for consultation.

BMP 9. Aquatic Pesticide BMPs. The District shall follow the most up-to-date Best Management Practices (BMPs) and the monitoring and reporting requirements in the District's NPDES Stormwater Quality Management Plan (Board Order No. 00-108; NPDES Permit No. CAS004002, adopted on July 27, 2000). The District shall also follow BMPs in the Ventura County Application Protocol for Pesticides, Fertilizers, and Herbicides.

BMP 10. Leave Vegetation on Upper Basin Slopes. The District shall not remove established vegetation on the basin slopes above the 20 percent capacity debris line except as follows: (1) the vegetation is non-native; (2) shrubs and trees become hazards to the stability and function of the basin; (3) the sediment meets or exceeds the 20 percent capacity line; (4) slope re-grading is required to correct or prevent rill erosion or other damage, (5) the vegetation is located on engineered fill, or (6) vegetation constitutes a fire hazard to nearby properties.

BMP 11. Leave Patches of Vegetation in Channel Bottom. The District shall minimize vegetation removal or reduction from earthen or earthen bottom channels to the least amount necessary to achieve the specific maintenance objectives for the reach. Vegetation removal in the channel bottom shall be conducted in a non-continuous manner, allowing small patches of in-channel vegetation to persist provided it will not adversely affect conveyance capacity.

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BMP 12. Leave Herbaceous Wetland Vegetation in Channel Bottom. Consistent with the maintenance objectives, the District shall avoid removal or reduction of emergent herbaceous wetland vegetation on the channel bottom that is rooted in or adjacent to the low flow channel or a pond in order to provide cover for aquatic wildlife. This same type of vegetation shall be protected during the removal of taller obstructive woody vegetation on the channel bottom.

BMP 13. Maximum 15-foot Vegetation-Free Zone at the Toe of the Bank. When reducing or removing vegetation from channel banks or bottoms for the sole purpose of visual access to inspect the toe of slopes with riprap or concrete, the District shall treat a maximum 15-foot wide zone from the base of the slope into the channel bottom.

BMP 14. Avoid Road Base Discharge. The District shall implement measures to prevent the discharge of road base, fill, sediments, and asphalt beyond a previously established road bed when working adjacent to channels and basin bottoms.

BMP 15. Mitigate/Replace Temporary Impacts to Habitat. For repair of in-channel structures and features that results in the temporary disturbance of native wetland or riparian vegetation adjacent to the facility, the District shall restore native wetland or riparian vegetation in the affected work areas after the repair or reconstruction work. Restoration shall include planting or seeding native plants that were present prior to the work and/or are compatible with existing riparian vegetation near the work area. The District shall prepare a restoration plan for each repair project that specifies the limits of restoration, planting mix and densities, performance criteria for survival and growth, and at least a three-year maintenance and monitoring procedures. Restoration sites shall be located outside the limits of the repaired structure. If no suitable restoration site is available near the work area or the creation of a restoration area near the work area would conflict with flood control needs, the District shall select another location on District right-of-way in close proximity. If suitable restoration sites are not available, the District shall provide funds to a third party (public agency or non-profit organization) to implement the required mitigation in the same watershed as the impact. Habitat restoration under this BMP shall only occur if the affected areas support native wetland or riparian vegetation; no restoration is required for barren areas or areas dominated by non-native plants. The District shall submit all habitat restoration plans to the Department prior to implementation.

BMP 16. Oak Tree Mitigation Ratio. For any repair of in-channel structures and features that requires the removal of native oak trees with diameters at breast height of 4 inches or more, the District shall replace the trees at the following ratios in or near the affected work areas after the repair or reconstruction work: Oak trees (rooted plants from local stock) 4 to 6 inches diameter at chest height (DBH) shall be replaced at 3:1; oak trees 6-12 inches DBH shall be replaced at 5:1; oak trees from 12 to 24 inch DBH shall be replaced at 10:1; oak trees from 24-36 inches shall be replaced at 15:1; and oak trees greater than 36 inches DBH shall be replaced at a ratio of 20:1. A tree replacement plan shall be developed for each repair project that specifies the tree replacement locations, performance criteria for survival and growth, and at least a five year maintenance and monitoring procedures and shall be submitted to the Department prior to implementation.

BMP 17. Concrete Wash-Out Protocols. The District shall implement appropriate waste management practices during on site concrete repair operations. Waste management practices will be applied to the stockpiling of concrete, curing and finishing of concrete as well as to

concrete wash-out operations. Waste management practices shall be adequate to ensure that fluids associated with the curing, finishing and wash-out of concrete shall not be discharged to the channel or basin. Concrete wastes shall be stockpiled separately from sediment and protected by erosion control measures so that concrete dust and debris are not discharged to the channel, basin, or waters of the State. The District shall determine the appropriate waste management practices based on considerations of flow velocities, site conditions, availability of erosion control materials and construction costs.

BMP 18. Water Diversion Guide. Water diversion activities undertaken as part of routine repair and maintenance operations in improved and unimproved channels as well as debris basins shall follow the BMP guidance established as the Water Diversion Guide found in the Program EIR.

BMP 19. Minimize Erosion from Stream Gauge Maintenance. During stream gauge maintenance activities, vegetation shall be cleared from channel banks by cutting with chain-saw only. The vegetation roots shall be left intact and not be sprayed with herbicide as a measure to minimize potential erosion of cleared channel banks. The District shall implement additional erosion control methods as needed, based on considerations of flow velocities, site conditions, availability of materials, construction costs, durability and maintenance requirements.

BMP 20. Implementation of Integrated Pest Management. The District shall inspect its critical and non-critical facilities regularly to document and identify the presence or absence of ground squirrels. The District shall implement the Integrated Pest Management (IPM) program developed for the Program EIR that identifies tolerance level, control thresholds and approved rodent control methods and/or combinations of methods at each District facility. Rodent control methods implemented at each facility shall be applied as needed and as appropriate for site conditions and the season. Methods implemented shall minimize potential primary and secondary hazards to non-target species. The District shall maintain a preventative IPM program with zero tolerance for ground squirrels for its critical facilities where failure would impact public safety. When rodent control becomes necessary at non-critical facilities, the District shall choose applicable, cost-effective treatment method(s) from the District's IPM program. Treatment options considered for each site shall include: trapping, habitat modification, alternative construction methods and materials, use of raptors, clean and rodenticide-treated bait stations, broadcast diphacinone and zinc phosphide with or without carcass collection, and other methods. As part of an ongoing monitoring program to determine the effectiveness of the squirrel control program, the District shall maintain uniform inspection records for each facility and all control efforts. The District shall conduct a staff training program that covers the IPM program including rodent issues, inspection and monitoring requirements, and treatment options. The District shall submit treatment records to the Department annually including control methods used and monitoring records.

BMP 21. Avoid Spills and Leaks. The District shall ensure that all equipment operating in and near a watercourse, or in a basin, is in good working condition and free of leaks. No equipment maintenance or refueling shall occur in a channel or basin bottom. Spill containment materials must be on site or readily available for any equipment maintenance or refueling that occurs adjacent to a watercourse. In addition, all maintenance crews working with heavy equipment shall be trained in spill containment and response. All spills shall be reported to the Department's Office of Spill Prevention and Response.

BMP 22. Biological Surveys in Appropriate Habitat Prior to Vegetation Maintenance. Prior to any sediment removal, vegetation control (by herbicide application, mowing, or discing), or repair work in earthen or earthen bottom channels and basins that contain native aquatic, riparian, or wetland habitats suitable for sensitive fish and wildlife species, the District shall conduct appropriate field investigations to determine if any threatened, endangered, or sensitive species are present. If such species are determined to be present in or in close proximity to the work areas, the District shall reschedule the work when the species are not present. If it is necessary to conduct the work while the species are present or in proximity to the work areas, the District shall develop other avoidance or relocation measures in consultation with the Department, USFWS, or NOAA Fisheries prior to conducting the work. If the work could affect state or federally listed species or their habitat, the District would employ avoidance or relocation measures approved by USFWS, NOAA Fisheries, and the Department, as appropriate, for the maintenance program. This measure includes protection for the following threatened, endangered, or sensitive species that could occur at maintenance sites: tidewater goby, southern steelhead, trout, unarmored threespine stickleback, California red-legged frog, arroyo toad, least Bell's vireo, southwestern willow flycatcher, arroyo chub, southwestern pond turtle, two-striped garter snake, Cooper's hawk, sharp-shinned hawk, yellow warbler, yellow breasted chat, purple marlin, tri-colored blackbird, and long-eared owl and other sensitive species that could occur in the treatment area.

BMP 23. Invasive Plant Removal Protocols. Invasive plant species shall be removed in a manner that prevents propagation. Where this type of vegetation is routinely treated, maintenance personnel should spray or mow plants before seeds ripen. All cut/removed invasive vegetation should be taken to a dump as destruction load. Maintenance personnel should avoid letting cut stems or seed pods be washed downstream or be left behind to propagate. In the case of giant reed (*Arundo donax*) removal, the District shall minimize ground disturbance and use foliar glyphosate treatment on smaller infestations as much as possible. Stems shall be removed only when the plants are dead. Root masses should not be removed, as bank overhangs provide cover for wildlife, which may include sensitive fish species.

BMP 24. Air Quality BMPs. The following measures are part of the APCD's Model Fugitive Dust Mitigation Plan and shall be incorporated to maintenance activities as needed to further reduce the District's fugitive dust emissions during grading, excavation, and construction activities.

- The areas disturbed at any one time by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.
- Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during earthmoving, grading, and excavation activities.
- All trucks shall be required to cover their loads as required by California Vehicle Code §23114.
- All graded and excavated material, exposed soil areas, including unpaved parking and staging areas, and other active portions of the construction site, including unpaved on site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.

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- Graded and/or excavated inactive areas of the construction site shall be monitored by the District's operation and maintenance staff at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be periodically treated with environmentally-safe dust suppressants.
- During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on site activities and operations from being a nuisance or hazard, either on site or off site. The District staff shall use his/her discretion in conjunction with the APCD in determining when winds are excessive.
- Rumble strips or track out devices shall be installed where vehicles enter and exit unpaved roads onto paved road, or wash off trucks and any other equipment leaving the site.
- All on site construction roads that have a daily traffic volume of more than 50 daily trips shall be stabilized as to minimize transport of earthen material from the site.
- Open material stockpiles shall be roller compacted, periodically watered, or treated with appropriate dust suppressants.
- There shall be at least one qualified District staff on site each work day to monitor the provisions of the Fugitive Dust Mitigation Plan and any other applicable fugitive dust rules, ordinances, or conditions.
- Personnel involved in grading operations shall be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health Regulations.
- All project construction operations shall be conducted in compliance with all applicable APCD Rules and Regulations with emphasis on Rule 50 (Opacity) and Rule 51 (Nuisance).

BMP 25. Construction Noise BMPs. Noise-generating construction activities shall be restricted to the daytime (i.e., 7:00 AM to 7:00 PM, Monday through Friday). Sustained construction noise adjacent to sensitive wildlife nesting areas should be minimized during the nesting season. The District shall consult with the Department regarding mitigation measures when sensitive wildlife are located adjacent to construction site.

Impacts:

Routine maintenance involves various activities in the bed, bank or channel of various facilities including lined channels, bank protection, pump stations, debris and detention basins, dams, grade stabilizers, etc.

Routine maintenance may involve the removal or reduction in obstructive vegetation, use of bank stabilization material such as rock riprap or concrete, use of herbicides, removal of sediment, and earthwork to repair eroded or damaged areas and facilities. Impacts to biological resources could occur as a result of these activities.

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Project Schedule:

Routine maintenance is ongoing and work occurs year-round.

1. The District's activities within stream courses shall be limited to dry conditions or when the stream is not actively flowing and no measurable rain is forecasted. If 0.25 inches or more of measurable rain is forecasted within 12 hours of scheduled maintenance activities, activities shall cease temporarily, and protective measures to prevent siltation/erosion shall be implemented and maintained.

Work Area Limits:

2. The entire work area shown on the repair/construction plans shall be flagged prior to initiation of work to identify its limits within stream(s). No activities shall be permitted outside of the flagged area. Flagging for routine maintenance activities in non-sensitive areas is not required.
3. Disturbance or removal of vegetation/aquatic organisms, etc. for the purpose of routine maintenance, temporary water diversion structures or channels, dewatering, excavation, access roads or ramps, settling basins, staging, storage or stockpile area shall not exceed the limits shown on the plans or facility limits. Temporarily disturbed areas outside facility limits shall be restored to the original condition, to the maximum extent feasible.

Access:

4. Access to the facility work site shall be via existing roads and access ramps as shown on the plans. If no ramps are available in the immediate area, a temporary ramp within the facility/project footprint of the project may be constructed. Any temporary ramp shall be removed upon completion of the project.
5. Staging/storage areas for equipment and materials shall be located outside of the stream/lake. Equipment and material storage shall be done in such a manner as to minimize disturbance to species that forage in the area and to not attract nuisance or predatory animals to the project area.
6. Vehicles may be driven on the stream/lake bed to traverse the distance to the work area and in the immediate vicinity (within 50 feet) of the work area as necessary to complete the authorized work. No vehicle shall be driven in flowing or ponded water, in water covered portions of a stream or lake, or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed, except as to complete the routine maintenance work described in the plans. All other equipment shall be operated in the dry portions of the stream.
7. No equipment shall be operated or parked within the dripline of native trees (e.g., oaks, sycamore, cottonwood, maple, California bay, not including willows) except where access roads already exist and routine maintenance work is required as part of the project. Fencing for protected trees shall be placed five (5) feet outside of the

dripline of the trees to prevent compaction of the root zone.

Water Diversion/Dewatering:

8. Water diversion activities associated with routine maintenance shall follow the guidelines provided in the District's Water Diversion Guide as described in the Program EIR, Appendix E. The following procedures may also be implemented to further reduce impacts to aquatic resources.
9. When work in a flowing stream is unavoidable, the entire stream flow shall be diverted around the work area. Construction of the diversion shall normally begin in the downstream area and continue in an upstream direction; the flow shall be diverted only when construction of the diversion structure is complete.
10. Water diversion structures shall be constructed of non-erodible materials unless first enclosed by sheet piling, rock riprap, or other protective material. All water diversion structures shall be removed from the project area when the work is completed. Removal shall normally proceed from downstream in an upstream direction.
11. Seepage of water into or from the work area shall be prevented to the maximum extent feasible.
12. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Flows shall be sufficient quality and quantity to support fish and other aquatic life both above and below the water diversion. Normal flows shall be restored to the stream immediately upon completion of work.

Siltation/Turbidity Control:

13. Precautions to minimize turbidity/siltation shall be determined during project planning and shall be installed prior to routine maintenance. The method(s) used to minimize turbidity/siltation shall be monitored and cleaned/repared weekly.
14. Silty/turbid water from dewatering or other activities shall not be discharged into the stream. Such water shall be settled, filtered, or otherwise treated prior to discharge.
15. Upon determination that maintenance-related activities could increase the turbidity/siltation and/or the temperature of flows; or could decrease dissolved oxygen (DO) in flows; or could substantially change pH of flows and thereby constitute a threat to aquatic life, the activity shall be halted until effective control devices are installed, or abatement procedures are initiated. Turbidity and temperature of inlet and outlet flows shall not exceed baseline conditions following installation or removal and stabilization of water diversion structure(s). Dissolved oxygen shall not be significantly below baseline conditions (1 ppm decrease) and pH shall not be significantly different than baseline conditions (1 unit of pH change) within inlet and outlet flows. Baseline conditions shall be established prior to construction activities.

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16. Off-stream siltation ponds shall be constructed in a location and a manner that prevents discharge of sediment into the stream during periods of high flows.
17. Siltation ponds shall be constructed of non-erodible materials.
18. All siltation pond materials and trapped sediments shall be removed from the stream immediately following completion of work. Removal and disposal of materials and sediment shall be done in a location and manner which prevents discharge of sediment into the stream.

General Best Management Practices:

19. A qualified biological monitor having the appropriate qualifications, shall be on site or on call periodically during routine maintenance activities operations. If any native wildlife species are found in the path of construction, the monitor shall relocate the species to a safe location. Protective measures shall be taken to prevent the migration into or the return of species into the work site where feasible and appropriate. Survey field notes shall be kept and submitted to the Department in the annual report.
20. Materials removed from the stream shall not be stockpiled in the streambed or on its banks overnight where it could be washed into the stream via rainfall or runoff. Stockpile site(s) shall be shown on the plans, and selected to ensure compliance with the other provisions of this Agreement. Where possible, brush (native plants only) piles may be left in upland areas to provide wildlife habitat.
21. All fill materials, including material used for sandbags, shall be obtained from weed free upland sources to the maximum extent feasible. Use of beach or dune sand for sandbags is prohibited.
22. Structures and associated materials not designed to withstand high water flows shall be moved to areas above high water mark before such flows occur.
23. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, construction waste, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any logging, construction, or associated activity of whatever nature shall be allowed to enter into or placed where it may be washed by rainfall or runoff into, waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake, except within designated trash receptacles.
24. The District shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the District to insure compliance.
25. Any equipment or vehicles driven and/or operated within or adjacent to the stream/lake shall be checked and maintained daily, to prevent leaks of materials

- that if introduced to water could be deleterious to aquatic life. Any and all heavy equipment shall be removed from the streambed at the end of each work day.
26. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream/lake shall be positioned over drip pans.
 27. No equipment maintenance shall be done within or near any stream/lake margin where petroleum products or other pollutants from the equipment may enter these areas via rainfall or runoff.
 28. Equipment shall not be operated in wetted areas (including but not limited to ponded, flowing, or wetland areas) except as to complete the project described in the plans.
 29. The clean-up of all spills shall begin immediately. The Department shall be notified immediately by the District of any spills and shall be consulted regarding clean-up procedures.
 30. Raw cement/concrete or washings thereof, asphalt, paint, construction waste, 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 the District or any party working under contract, or with the permission of the District, shall be removed immediately.
 31. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a stream/lake or take place in locations that may be subjected to high flows.
 32. Rock, gravel, and/or other materials shall not be imported to, taken from or moved within the bed or banks of the stream, except to complete the project described in the project plans.
 33. If vacuum trucks are used to clean up any spills or contamination, the vacuum hose shall be placed in a 3 to 4 square foot area, protected on all side by exclusionary fencing to prevent the uptake of any aquatic life. Appropriate screening shall be placed on the intake. Contact the Department fisheries biologist, Maurice Cardenas (805) 640-1852 for screen size requirements.
 34. No herbicides shall be used when wind velocities are above 5 miles per hour.

RESOURCE PROTECTION

35. All exotic fish, invertebrate, amphibian, and reptile species shall, upon positive identification, be dispatched and disposed of properly. Disposal options may include burial or disposal of the exotic species in a trash receptacle.

Vegetation Removal:

36. No living native vegetation, with a diameter at breast height (DBH) in excess of 4 inches, shall be removed from the bed, bank or channel of the stream, except as approved as part of the routine operations and maintenance program.
37. In areas of temporary disturbance, where vegetation must be removed, native plants shall be cut to ground level with hand operated power tools rather than by grading. No replanting will be required for vegetation of this size if it is cleared in this manner.
38. A complete inventory of native trees in excess of 4 inches DBH which may be removed shall be shown on the plans and identified by species and DBH.
39. No herbicides shall be used outside facility limits unless specifically authorized, in writing, by the Department.
40. The District shall remove invasive vegetation (tree tobacco, castor bean, giant reed, ice plant, etc.) from facilities and shall dispose of it in a manner and a location which prevents reestablishment.
41. Whenever possible, invasive species shall be removed by hand or by hand-operated power tools rather than by chemical means. Where control of non-native vegetation is required within the bed, bank, or channel of the stream, the use of herbicides is necessary, and there is a possibility that the herbicides could come into contact with water, the District shall employ only those herbicides, such as Aqua Master (Glyphosate), which are approved for aquatic use. If surfactants are required, they shall be restricted to non-ionic chemicals, such as Agri-Dex, which are approved for aquatic use.
42. Giant reed (*Arundo donax*), if present, shall be cut to a height of 6 inches or less, and the stumps painted with an herbicide approved for aquatic use within 5 minutes of cutting. Herbicides shall be applied at least three times during the period from May 1 to October 1 to eradicate these plants. Where proposed methods for removing giant reed deviate from this procedure, the District shall present alternative methods, in writing, to the Department for review, prior to construction.

Wildlife:

43. Avoidance and relocation measures will be taken for all native wildlife that are observed in the work area during any project. All wildlife shall be relocated out of the work area by a qualified biologist with appropriate permits in order to not needlessly take any wildlife (Section 2000 Fish and Game Code).

Threatened and Endangered Species:

44. If threatened or endangered bird species are observed in the area, no work shall occur during the breeding season (March 1 to September 15) to avoid direct or

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- indirect (noise) take of listed species and State and/or Federal threatened/endangered species permits may be required prior to commencing project activities. This Agreement does not authorize the take of federal or state-listed threatened and/or endangered species.
45. If any threatened or endangered species are found within 500 feet of the work area, the District shall contact the Department immediately of the sighting and shall request an on site inspection by Department representatives (to be done at the discretion of the Department and within 24 hours of receipt of the request) to determine if work may begin/proceed. If work is in progress when sightings are made, the District shall cease all work within 500 feet of the area in which the sighting(s) occurred and shall contact the Department immediately, to determine if work may recommence.
 46. Should any rare, threatened or endangered species occur in the area, the District shall submit, for Department review and approval, a plan to ensure that no rare, threatened or endangered species are disturbed during project implementation. The plan shall be approved by the Department prior to initiation of any work.
 47. The District shall apply any herbicides in accordance with state and federal law. No herbicides shall be used where threatened or endangered species occur and may be adversely impacted.
 48. An environmental education program shall be created and conducted for all personnel entering the work area where sensitive species occur. The educational program will show illustrations of the sensitive native species and their habitat, discuss measures to protect the species, and discuss the notification protocol if sensitive species are observed.

Fish Passage:

49. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream to maintain aquatic life below the dam/obstruction pursuant to Fish and Game Code section 5937.
50. If flowing or ponded water and sensitive aquatic wildlife is observed within the proposed work limits, the District shall telephone the Department, Dan Blankenship at (661) 259-3750, prior to commencing activities within the bed, bank, and channel of stream(s). The District shall leave his/her name, date and time called, telephone number, the stream name, work location, nature of planned activities and proposed schedule.
51. The District shall report all fish mortality to the Department, Dan Blankenship at (661) 259-3750. The report shall be made within 24 hours of discovery.
52. The District shall install an exclusionary fish screen on the upstream portion of any created diversion channel, until the turbidity/siltation decreases to pre-disturbance

- conditions; and the area downstream area has sufficient depth and temperature to support native fish species.
53. The District shall have a sufficient number of qualified fisheries biologists involved with the capture and relocation of all native fish, so as not to put unnecessary stress on the fish during the capture and relocation efforts.
 54. Dewatering pump intakes shall be screened. Dewatering of the work area shall occur in a manner which allows native fishes to be retrieved unharmed. All pumping equipment shall be placed in a portable, stable spill containment device. The intake screen shall meet the requirements of National Marine Fisheries Service and the Department of Fish and Game which require no greater than 3/8" mesh, and intake velocities less than 0.8 feet/second.
 55. The District shall check intake screens daily and remove excessive algae and debris from the screen surface. Maintenance shall not alter the screen mesh size or intake velocity.
 56. No work shall be conducted on the streambed within 100 feet of flowing or ponded water, which have potential to support steelhead. Adult steelhead are expected to be present during periods of high flow (January through March) and smolt are likely to be in the area during periods of receding flows (March through July). National Marine Fisheries Service Biologist shall be contacted to coordinate additional fish salvage and avoidance measures.
 57. Any California black walnut, cottonwood, or sycamore trees greater than 4 inches DBH that must be removed from the work area shall be replaced in kind. Replacement ratios shall be 10:1. All planted trees shall have a minimum of 75 percent survival (by species) the first year and 100 percent thereafter. If the survival requirements have not been met, the District is responsible for replacement planting to achieve these requirements. Replacement trees shall be monitored and maintained for a period of five (5) years.
 58. The District shall recontour the streambed to its pre-disturbance condition to the maximum extent feasible, including the re-creation of a low flow channel.
 59. Planting, maintenance, monitoring and reporting activities shall be overseen by a specialist familiar with restoration of native plants.
 60. All plants shall be planted in randomly spaced, naturally clumped patterns. Plantings shall include native species.

REPAIR

61. Maintenance operations shall be conducted in accordance with all applicable Best Management Practices described in this Agreement.
62. If said maintenance deviates from that described in the Program EIR (May 2008),

and protected resources develop in the facility/structure, the District shall notify the Department of the existing condition of the work area prior to initiating maintenance activities to determine the extent and quality of resources. Following this coordination, the District may proceed with maintenance activities following receipt of Department concurrence that the activity would not adversely affect protected resources.

63. Excavated material and debris resulting from maintenance activities shall be disposed of in an appropriate manner and location. Disposal of excavated material and debris in rivers, streams, lakes, ponds, or other natural [upland] areas that support protected resources is prohibited.

ADMINISTRATION

CEQA and Permit Compliance:

A final certified CEQA document shall be provided prior to execution of this Agreement.

Copies of all permits required by the U.S. Army Corps of Engineers, California Coastal Commission, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and/or Los Angeles Regional Water Quality Control Board shall be provided to the Department prior to initiation of construction.

Subsequent Department Approvals:

A copy of the water diversion/water control plan if it deviates from methods included in the Water Diversion Guide shall be submitted to the Department for review prior to construction.

A copy of the Mitigation, Monitoring and Reporting Plan shall be submitted to the Department for review and approval prior to facility maintenance that requires impacts to native vegetation as described in this Agreement.

The Department shall review all maintenance project or activity plans submitted subsequent to execution of this Agreement within 30 days of receipt. The Department shall provide written notification to the District if there are any comments on the plan or to indicate approval. Electronic mail notification will suffice as an appropriate means of communication between the Department and the District on post-Agreement approvals.

Legal Notices:

All provisions of this Agreement remain in force throughout the term of the Agreement. Any provisions of the Agreement may be amended or the Agreement may be terminated at any time provided such amendment and/or termination is agreed to in writing by both parties. Mutually approved amendments become part of the original Agreement and are subject to all previously negotiated provisions.

If the District or any employees, agents, contractors and/or subcontractors violate any of the terms or conditions of this agreement, all work shall terminate immediately and shall not

proceed until the Department has taken all of its legal actions.

The District shall provide a copy of this Agreement, to all contractors, subcontractors, and the District's project supervisors. Copies of this Agreement and all required permits and supporting documents shall be readily available at the work site at all times during periods of active work, and must be presented to any Department personnel, upon demand. All contractors shall read and become familiar with the contents of this Agreement.

The District shall notify the Department, in writing, at least five (5) days prior to initiation of project activities and at least five (5) days prior to completion of project activities that may affect threatened or endangered resources as described in this Agreement. Notification shall be sent to the Department at 4949 Viewridge Avenue, San Diego 92123, Attn: ES. FAX Number (858) 467-4299, Notification No. 1600-2004-0512-R5. Concurrent notification to Dan Blankenship, P.O. Box 221480, Newhall, 91322-1480, 661-259-3750, is also requested.

The District herein grants to Department employees and/or their consultants (accompanied by a Department employee) the right to enter the project site at any time, to ensure compliance with the terms and conditions of this Agreement and/or to determine the impacts of the project on wildlife and aquatic resources and/or their habitats.

The Department reserves the right to cancel this Agreement, after giving notice to the District, if the Department determines that the District has breached any of the terms or conditions of the Agreement.

The Department reserves the right to suspend or cancel this Agreement for other reasons, including but not limited to, the following:

- a. The Department determines that the information provided by the District in support of this Agreement/Notification is incomplete or inaccurate;
- b. The Department obtains new information that was not known to it in preparing the terms and conditions of this Agreement;
- c. The condition of, or affecting fish and wildlife resources change; and
- d. The Department determines that project activities have resulted in a substantial adverse effect on the environment.

Before any suspension or cancellation of the Agreement, the Department will notify the District in writing of the circumstances which the Department believes warrant suspension or cancellation. The District will have seven (7) working days from the date of receipt of the notification to respond in writing to the circumstances described in the Department's notification. During the seven (7) day response period, the District shall immediately cease any project activities which the Department specified in its notification. The District shall not continue the specified activities until that time when the Department notifies the District in writing that adequate methods and/or measures have been identified and agreed upon to mitigate or eliminate the significant adverse effect.

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Reporting Requirements:

The District shall provide an Annual Work Plan to the Department by April 30 of each year describing the projects proposed under the Program for 30 day review by the Department. Additional proposed maintenance projects may be submitted for 30 day review periodically each year. By August 31st of each year, the District shall submit an Annual Monitoring Project Report describing the projects completed under the Program, areas affected, natural resource enhancements, modifications to the bed, bank, or channel, and gains to riparian or wetland areas. For projects where revegetation was a component, the report shall include a detailed description of the revegetation efforts in light of the defined performance criteria, representative photographs taken from designated photo-stations, problems encountered, and contingency measures used or planned if necessary to ensure revegetation success. Projects from previous years shall also be included in each annual report until revegetation success has been achieved.

Notices:

Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and be sent by first class mail, addressed as follows, or to such other address as either party shall designate by written notice to the other:

To District:

Director
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 93009
[REDACTED]

To the Department:

California Department of Fish and Game
Attn: Streambed Alteration Program/[REDACTED]
4949 Viewridge Avenue
San Diego, CA 92123
[REDACTED]@dfg.ca.gov

Fees:

California Code of Regulations, Title 14, Section 699.5, establishes fees for projects subject to Fish and Game Code Sections 1600 et seq. Fees applicable to activities undertaken pursuant to this Agreement will be those currently in effect at the time of the activity. The 2008 fees include a \$2,400 base fee for long term routine maintenance agreements, of which the District has paid \$1,390.50 in 2004, and agrees to pay the balance prior to the execution of this agreement. The District also agrees to pay the currently applicable fee for each maintenance project per calendar year (currently \$100 per project). The per project fee will be paid when the Annual Monitoring Project Report is submitted in August, after the end of the District's fiscal year, June 30. Appendix A, attached to this agreement lists the 98 maintenance project facilities included in this agreement.

Administrative:

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It is understood the Department has entered into this Streambed Alteration Agreement for purposes of establishing protective features for fish and wildlife. The decision to proceed with the project is the sole responsibility of the District, and is not required by this Agreement. It is further agreed all liability and/or incurred cost related to or arising out of the District's projects and the fish and wildlife protective conditions of this Agreement, remain the sole responsibility of the District. The District shall agree to hold harmless the State of California and the Department of Fish and Game against any related claim made by any party or parties for personal injury or any other damages.

Entire Agreement:

This Agreement constitutes the entire Agreement and understanding between the Department and the District. The District Program EIR contains the full analysis for the environmental protection measures developed for the ongoing routine Operations and Maintenance Program for the flood control channels and facilities throughout Ventura County. The BMPs applicable to this agreement and developed in the District Program EIR were used as the basis for the conditions in this agreement. Specific edits to the BMPs were made to clarify the mitigation necessary to minimize environmental impacts.

Other Environmental Laws, Statutes, and Regulations:

This Agreement does not constitute any form of authorization, permit, biological opinion, or compliance with the requirements and provisions of any other statute, regulation, requirement, or ordinance respecting the protection or conservation of fish and wildlife resources. Those statutes include, but are not limited to, the California Environmental Quality Act, the California Endangered Species Act and the Federal Endangered Species Act.

Concurrence:

This Agreement becomes effective on the Departments signature and the construction portion terminates on December 31, 2019. This Agreement shall remain in effect until the District satisfies the mitigation/maintenance terms/conditions of this Agreement. This agreement was prepared by Dan Blankenship.

Ventura County Watershed Protection District


Name (signature)

July 9, 2009
Date


Name (printed)

DIRECTOR
Title



3 Aug 09
Date

**STREAMBED ALTERATION AGREEMENT NO. 1600-2004-0512-R5
VCWPD INDEX OF FACILITIES JUNE 23, 2009**

Zone 1: Ventura River Watershed

List #	Facility Name	Reaches
1	Cozy Dell/ McDonald Canyon/ Bypass & Dam	41311/ 41301, 41302, 41303/ 41911
2	Dent Drain/ Dent 2 ^o / Dent Debris Basin	41121, 41122, 41124/ 41721/ 41903
3	Fox Canyon	41421, 41422, 41423, 41424
4	Happy Valley Drain / Happy Valley Drain South	41281, 41282, 41283, 41284, 41285/ 41264
5	Howard Ave 2 ^o	41717
6	Kenewa St. 2 ^o	41716
7	Live Oak Creek Diversion & Dam	41217, 41218, 41904
8	Matilija Dam	41901
9	Matilija Hot Springs Gauge Maintenance	602
10	Mirror Lake Drain/ Tributary	41231, 41232/ 41241
11	North Fork Matilija Creek Stream Gauge	604
12	Oakview Drain	41205
13	Prince Barranca / San Jon Barranca	41561, 41562, 41563, 41564/ 41551, 41552, 41553, 41554
14	San Antonio Creek at Casitas Springs Stream Gauge	605
15	Skyline Drain / Felix Drive 2 ^o	41221, 41222, 41223, 41224/ 41712
16	Stewart Canyon/ Stewart Debris Basin	41411, 41412, 41413, 41414/ 41902
17	Thacher Creek at Boardman Road Stream Gauge	669
18	Thatcher Creek	41443
19	Ventura River at Foster Park Stream Gauge	608
20	Ventura River Bank Protection downstream of Foster Park/ Vince St. 2 ^o / Stanley Ave Drain/ Simpson St. 2 ^o / Ramona St. 2 ^o / Peking 2 ^o / Parkview Drive 2 ^o / Harrison 2 ^o / Fresno Canyon & Basin/ Freeway Side Drains 1-5/ Cal-Trans 2 ^o / Canada Larga/ Canada de San Joaquin/	41011, 41012, 41015/ 41732/ 41110/41731/ 41730/ 41729/ 41727/ 41751, 41752, 41753, 41754, 41755/ 41728/ 41152/ 41131, 41134/
21	Ventura River Bank Protection u/s of Foster Park/ Parkview Drive 2 ^o / Fresno Canyon & Basin	41021,41023, 41031, 41032, 41041/ 41701/ 41181, 41182

2^o= Secondary, an open or underground culvert draining to facility or river.

Zone 2: Santa Clara River Watershed

List #	Facility Name	Reaches
1	Adams Debris Basin	43906
2	Arundell Barranca/ Det. Basin/ Reservoir Barranca/ Barlow Barranca/ Mills Road Drain/ Telephone Road Drain	42401, 42402, 42403, 42404, 42405, 42406, 42407, 42408, 42409/ 42901/ 42441/ 42421/ 42411/ 42432
3	Bardsdale Ditch, Santa Clara River Levee	43161/ 42037
4	Basolo Ditch	43191
5	Beardsley Wash/ Camarillo Hills Drain/ Nyeland Drain, Nyeland Trib. Lateral A/ Santa Clara Ave. Drain & Diversion/ Revelon Slough/ Wright Road Drain/	42151, 42152, 42154/ 42131/ 42161, 42162, 42171/ 42191, 42192, 42193, 42181/ 42101, 42102, 42104/ 42201
6	Brown Barranca/ Saticoy Drain & 2 ^o	42511, 42514/ 42521, 42522, 42702
7	Cavin Road Drain/ Debris Basin	43221, 43222/ 43902
8	Doris Drain	42381
9	Ellsworth Barranca	42552
10	Fagan Canyon/ Debris Basin	43051, 43052, 43053, 43054, 43055, 43056/ 43907
11	Franklin Barranca/ Debris Basin/ Wasson Barranca	42531, 42532, 42534/ 42902/ 42541/ 42542
12	Grimes Canyon	43181, 43182
13	Harmon Barranca/ Ondulando Barranca	42471, 42472, 42473, 42474, 42475, 42476, 42477, 42478/ 42482
14	Hueneme Drain/ Hueneme Pump Station/ J St. Drain	42332/ 42331/ 42321, 42322
15	Oxnard Industrial Drain/ Rice Road Drain	42301, 42302, 42303, 42304/ 42311, 42312, 42313, 42314, 42317, 42318, 42319
16	Oxnard West Drain/ West Wooley Road Drain	42351, 42352, 42353, 42354, 42355/ 42361, 42362
17	Peck Road Drain	43041, 43042, 43043
18	Piru Storage & Stockpile	43009
19	Pole Creek / Debris Basin	43201, 43202, 43203, 43204/ 43905
20	Real Canyon/ Debris Basin/ Warring Wash/ Warring Wash South/ & Basin	43251, 43252, 43253, 43254, 43255/ 43903/ 43261, 43262, 43263/ 43271/ /43904
21	Santa Clara River at 12 th St. Bridge Stream Gauge	720
22	Santa Clara River at UWCD Freeman Diversion Stream Gg.	724
23	Santa Clara River at Victoria Avenue Bridge Stream Gauge	723

Zone 2: Continued

List #	Facility Name	Reaches
24	Santa Clara River Levee Harbor Blvd. to Freeman Diversion/ Central Avenue Drain/ Clark Barranca/ Sudden Barranca/ Victoria Ave. Drain/ North El Rio Drain/ El Rio Drain/ Moon Ditch/ Montalvo Golf Course	42012, 42017, 42018, 42021, 42025, 42031/ 42205, 42206/ 42491, 42492, 42493, 42494/ 42501, 42502, 42504, 42505, 42506/ 42704/ 42395/ 42391/ 42461, 42462, 42463/ 42701
25	Santa Clara River Levee upstream of Freeman Div.	42035, 42036, 42037
26	Santa Paula Creek	43061, 43062, 43065
27	Santa Paula Creek at Mupu Bridge Stream Gauge	709
28	Saticoy Storage & Stockpile	42009
29	Sespe Creek, Levee/ Jepson Wash/ Jepson Basin/ Keefe Ditch	43308, 43305. 43306/ 43351, 43352/ 43901/ 43361, 43362
30	Silver Strand Drain & Pump Station	42342, 42346, 43249
31	Todd Barranca at Telegraph Rd Bridge Stream Gauge	738
32	Willard Road Drain 2°	43701

2°= Secondary, an open or underground culvert draining to facility or river.

Zone 3: Calleguas Creek Watershed

List #	Facility Name	Reaches
1	Arroyo Colorado/ Beardsley Wash	45271/ 45241, 45243, 45245, 45247, 45248
2	Arroyo Conejo N Fork & Trib./ Waverly Channel/ Castano Channel & Tributary/ Olsen Channel/	46161, 46164, 46165, 46167, 46171, 46172/ 46202, 46203/ 46181, 46182, 46183, 46191, 46192/ 46151, 46152, 46153
3	Arroyo Conejo/ Park Drain/ Thousand Oaks N Drain/ Lynn Ranch 2 ^o / Erbes Road Drain/ Los Robles Drain/ Cm Dos Rios 2 ^o	46103, 46104, 46105, 46106, 46107, 46108/ 46211/ 46231, 46232, 46233, 46234, 46235/ 46749/ 46241/ 46251, 46252/ 46752
4	Arroyo Las Posas	45051, 45053, 45063, 45065
5	Arroyo Santa Rosa u/s Conejo Ck confluence/ Blanchard Road Drain, Arroyo Santa Rosa Stream Gauge at Blanchard Rd/ Rotsler Ditch 2 ^o / Duval Rd. Drain 2 ^o / Santa Rosa Road Deb. Basin	46072, 46073, 46074, 46075, 46076, 46077/ 46702/ 46081, 46083, 46084, 46086/ 838 / 46701/ 45703/46901, 46902
6	Arroyo Santa Rosa d/s Conejo Cr. confluence	46071
7	Arroyo Simi/ Stream Gauge at Hitch/ Brea Canyon/ Castro Williams Channel, Basin/ Moorpark #1 2 ^o	47011, 47012, 47013, 47014, 47015, 47016, 47017, 47021, 47022, 47024, 47025, 47027, 47031, 47033, 47035, 47037, 47038/ 841/ 47311/ 47161, 47902/ 47701
8	Arroyo Simi/ Piedra Canyon/ Santa Susana Knolls Drain 2 ^o / Black Canyon 2 ^o	47039/ 841/ 47571/ 47760/ 47750
9	Bus Canyon/ Bus Canyon Tributary	47351, 47352, 47353, 47354, 47355/ 47361, 47362, 47363, 47364
10	Calleguas Creek/ Stream Gauge at CSUCI/ Stream Gauge at Hwy 101 Stream Gauge/ Long Canyon	45021, 45023, 45025, 45027, 45033, 45035, 45037/ 805/ 806/
11	Camarillo Hills Drain/ Edgemore Debris Basin/ Edgemore Drain/ Edgemore Tributary 2 ^o / Anacapa Drain/ W. Camarillo Hills Debris Basins E & W Branch/ W. Cam. Hills Drain/ Mission Drain/ Ponderosa Drain/ Las Posas Estates Det. Basin/ Las Posas Estates Drain/ Las Posas Estates Diversion/ N. Ramona Place Drain/ Arneill Drain/ Crestview Drain/ Crestview Basin/ Ramona Det. Basin	45141, 45143, 45144, 45145, 45147, 45148/ 45902/ 45161, 45163/ 45701/ 45211/ 45904, 45903/ 45171, 45173, 45175/ 45181, 45183/ 45191, 45192/ 45906/ 45224, 45225/ 45226/ 45231/ 45201/ 45151, 45153, 45155/ 45901/ 45907

Zone 3: Continued

List #	Facility Name	Reaches
12	Conejo Creek/ Mission Oaks Drain/ East Camarillo Drain/ Upland Road Drain	46011, 46012, 46013, 46014, 46015, 46016/ 46041, 46042/ 46031, 46037/ 46501
13	Conejo Mountain Creek/ Debris Basins #1 - #5	46121, 46906, 46907, 46908, 46909, 46910
14	Coyote Canyon/ Coyote Basin/ Puerta Zuela Barranca & Basin	45522/ 45911/45531, 45912
15	Dry Canyon Channel /Tributary	47381, 47382, 47383, 47384, 47385, 47386, 47387/ 47391
16	Erringer Road Drain/ Basin	47371,47373, 47375/ 47904
17	Ferro Ditch/ Ferro Basin	45301/ 45908
18	Flood Street	49059
19	Fox Barranca/ Debris Basin	45503, 45505, 45910
20	Gabbert Canyon/ Debris Basin/ Moorpark Storm Drain #1 & #2/ Walnut Canyon	47101, 47102, 47103/ 47901/ 47141, 47151/ 47111, 47112, 47114, 47116
21	Groves Place Drop Structure	45913
22	Happy Camp Canyon	47172, 47174
23	Home Acres Dam/ Home Acres Drain/ Peach Hill Wash-Basin	47909/ 47131, 47133/ 47121, 47123
24	Honda Barranca/ E. Fork/ Honda West Basin/ Santa Clara Ave Drain/ Milligan Barranca	45251, 45252, 45255/ 45261, 45262/ 45909/ 45293/ 45282, 45285, 45286
25	Hummingbird Creek/ White Oak Creek	47561, 47562, 47563/ 47551, 47552, 47553, 47554
26	Lang Creek/ Debris & Detention Basins	46221, 46222, 46223, 46224, 46225,46226/ DB3-31, DD3-31
27	Las Llajas Canyon/ Las Llajas Canyon Dam / Marr Diversion/ Kadota Fig Drain	47511, 47512, 47513/ 47908/ 47531, 47532/ 47521, 47522, 47523
28	Lewis Road Drain	45431, 45432, 45433, 45434
29	Long Canyon	45567
30	No.2 Canyon, Basin	47201, 47202/ 47203
31	North Simi Drain	47341, 47342, 47343, 47344, 47345
32	Pleasant Valley Rd. Drain	45133
33	Revelon Slough	45101, 45103, 45105
34	Runkle Canyon/ Debris Basin/ Storage & Stockpile Area/ Appleton Road Drain	47401, 47402, 47403, 47404/ 47907/ 47009/ 47411
35	Santa Susana W Drain/ Line C Det. Basin	47501, 47502, 47503/ DD3-30
36	Somis Drain/ Somis Drain East Tributary/ West Tributary	45451, 45452, 45453, 45454/ 45471/ 45461

Zone 3: Continued

List #	Facility Name	Reaches
37	South Branch Arroyo Conejo/ (Reino) Debris Basin/ Newbury Park S.O. No. 1, 2/ Conejo Valley 2 ^o / Jenny Drive 2/ South Potrero Det & Debris Basin	46111, 46112, 46113, 46114, 46115, 46118, 46124/ DB3-22/ 46141, 46142, 46143, 46131, 46133/ 46801/ 46800/ DD3-24
38	Strathearn Canyon	47182, 47184
39	Sycamore Canyon, & Dam/ Oak Canyon	47321, 47322, 47325/ 47903/ 47331
40	Tapo Canyon	47421, 47422, 47423, 47424, 47425
41	Tapo Hills Diversions Diversion / Basins #1 & #2	47421, 47432, 47433/ 47905, 47906

2^o= Secondary, an open or underground culvert draining to facility or river.

Zone 4: Malibu Creek Watershed

List #	Facility Name	Reaches
1	Lake Eleanor Creek	48031
2	Medea Creek	48071, 48072
3	Potrero Creek/ Instream Basin	48021, 48023, 48025/ DB4-01
4	Schoolhouse 2	48041, 48042

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State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
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GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



December 30, 2019

[REDACTED]
 Ventura County Watershed Protection District (VCWPD)
 800 South Victoria Avenue
 Ventura, CA 93009
 [REDACTED]@ventura.org

Subject: Extension of Lake or Streambed Alteration Agreement; Notification No. 1600-2004-0512-R5; VCWPD Facilities Operation and Maintenance Project; Ventura County

The California Department of Fish and Wildlife (CDFW) received your request to extend Lake or Streambed Alteration Agreement (Agreement) and extension fee, for the above referenced agreement. CDFW hereby grants your request to extend the Agreement expiration from December 31, 2019 to December 31, 2024. All other conditions in the original Agreement remain in effect.

Copies of the original Agreement and this letter must be readily available at project worksites and must be presented when requested by a CDFW representative or other agency with inspection authority.

If you have any questions regarding this letter, please contact [REDACTED], at [REDACTED] or by email at [REDACTED]@wildlife.ca.gov.

[REDACTED]

cc: [REDACTED] CDFW
 [REDACTED] CDFW
 [REDACTED] VCWPD