CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
BAY DELTA REGION
7329 SILVERADO TRAIL
NAPA, CALIFORNIA 94558
(707) 944-5500
WWW.WILDLIFE.CA.GOV

STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2014-0408-R3
Pilarcitos Creek and Unnamed Tributaries

SAN MATEO COUNTY RESOURCE CONSERVATION DISTRICT
COASTSIDE COUNTY WATER DISTRICT PROPERTY RURAL ROADS IMPROVEMENT PROJECT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and San Mateo County County Resource Conservation District (Permittee) as represented by Kellyx Nelson.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on December 13, 2014 that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project consists of 32 sites on or along three rural roads in the Pilarcitos Creek watershed in Half Moon Bay, San Mateo County, State of California; Assesor's Parcel Numbers: 093-060-050; 056-370-080; 056-370-020; 056-550-030; 056-550-020. Locations are listed below:

Table 1. Project Locations.

Project Site	Roadway	Latitude, Longitude (WGS84)	Section, Township, Range	USGS 7.5' Quadrangle
141	Pilarcitos Creek Road	37.50917N 122.38553W	11, 5S, 5W	Montara Mtn
142	Pilarcitos Creek Road	37.51002N 122.38468W	11, 5S, 5W	Montara Mtn
143	Pilarcitos Creek Road	37.51062N 122.38298W	11, 5S, 5W	Montara Mtn
144	Pilarcitos Creek Road	37.51158N 122.38336W	11, 5S, 5W	Montara Mtn
145 - 148	Pilarcitos Creek Road	37.51243N 122.38388W	11, 5S, 5W	Montara Mtn
149	Pilarcitos Creek Road	37.51535N 122.38610W	11, 5S, 5W	Montara Mtn
150	Pilarcitos Creek Road	37.51616N 122.38727W	11, 5S, 5W	Montara Mtn
167 - 169	Pilarcitos Creek Road	37.51819N 122.38899W	10, 5S, 5W	Montara Mtn
170 - 173	Pilarcitos Creek Road	37.52002N 122.39072W	10, 5S, 5W	Montara Mtn
142.1 - 142.9	Transformer Road	37.50992N 122.38721W	10, 11, 5S, 5W	Montara Mtn
102	Cell Tower Road	37.50817N 122.37357W	11, 5S, 5W	Montara Mtn
103 - 104	Cell Tower Road	37.50891N 122.37612W	11, 5S, 5W	Montara Mtn
105	Cell Tower Road	37.51110N 122.37991W	11, 5S, 5W	Montara Mtn
106 - 107	Cell Tower Road	37.51148N 122.38283W	11, 5S, 5W	Montara Mtn

Project Description

The project is limited to erosion control and erosion prevention treatments along three roads in the Pilarcitos Creek watershed to reduce road-related sediment runoff. The project will be conducted by the San Mateo County Resource Conservation District (RCD), in collaboration with the Coastside County Water District (CCWD) and L3 Communications-Randtron Antennae Systems (Randtron). The three roads, which are maintained by the CCWD and Randtron, encompass a total of 2.91 miles and 32 sediment delivery sites: (1) Pilarcitos Creek Road is approximately 1.34 miles long with 17 sediment delivery sites; (2) Cell Tower Road is approximately 0.94 miles long with 6 sediment delivery sites; and (3) Transformer Road is approximately 0.63 miles long with 9 sediment delivery sites.

Pilarcitos Creek Road

Within the project area, Pilarcitos Creek Road parallels Pilarcitos Creek along a canyon bottom for 1.34 miles. There are 17 individual erosion sites and approximately 0.41 mile of road surfaces, roadside ditches, and cutbacks along Pilarcitos Creek Road that are currently eroding and delivering sediment to the stream system (i.e., hydrologically connected), or show a potential to do so in the future. Erosion site types include four stream crossings, four ditch relief culverts, two landslides, one spring, three discharge points for road surface drainage and four bank erosion areas.

Implementation of the recommended treatments along Pilarcitos Creek Road is most likely to prevent delivery of more than 540 cubic yards (CY) of sediment to the creek.

Table 2. Erosion Sites and Treatments on Pilarcitos Creek Road.

Site #	Waterway	Problem	Estimated Future Sediment Delivery (CY)	Treatment	Fill Type
141	Tributary to Pilarcitos Mainstem	Stream crossing	6	Excavate current culvert and replace with a 24"x40' long pipe. Rebuild fillslopes to 2:1. Install a critical dip. Cut back vegetation for 10' around new inlet.	24" Culvert and Soil
142	Roadside Ditch to Pilarcitos Mainstem	Ditch relief culvert	40	Outslope the road against the downslope cutbank. Excavate a 3'w berm breech every 10' through the outsloped zone. Work spoils into road surface.	None
143	Pilarcitos Mainstem	Bank erosion	26	Excavate a keyway 20'wide x 10'long to creek and 3' into road surface. Haul spoils to RT #1 Road with loader and use to enhance outslope. Armor entire bend and keyway with 25 CY of 2'-5' riprap	Rock
144	Pilarcitos Mainstem	Stream crossing	79	Enhance critical dip along right hingeline. Install 2 rolling dips up the left road approach. Outslope road/fill ditch for 115' Outslope road/retain ditch for 150' between RT #2 Road and site 145. Clean/cut ditch for 150' between RT #2 Road and site #145.	None

Site #	Waterway	Problem	Estimated Future Sediment Delivery (CY)	Treatment	Fill Type
145	Tributary to Pilarcitos Mainstem	Spring	26	Clean and cut the ditch for 30' around swale. Install an 18"x40' long ditch relief culvert with outlet near large bay tree.	18" Culvert
146	Tributary to Pilarcitos Mainstem	Ditch relief culvert	46	Install 18" x 40' ditch relief culvert 30' to the left - place outlet on stable bank area away from the channel. Outslope road and keep ditch for 125' left. Install 1 rolling dip up left road. Clean and cut ditch for 125' left road.	18" Culvert
147	Pilarcitos Mainstem	Landslide	42	Excavate 20 CY perched road fill (30'w x 10'l x 1.5'd) Place 30 CY 2-3' riprap on outboard fill (in addition to existing 10 CY). Key largest rocks at base.	Rock
148	Pilarcitos Mainstem	Bank erosion	21	Excavate a keyway (35'w x 10'l) and install 25 CY of 1'-4' riprap. Spoil with loader to the left.	Rock
149	Tributary to Pilarcitos Mainstem	Ditch relief culvert	21	Replace pipe at site with 18" x 30' ditch relief culvert. Install 2 type I rolling dips up right road.	18" Culvert and Soil
150	Tributary to Pilarcitos Mainstem	Stream crossing	62	Excavate Replace existing pipes with 54" x 40' culvert embedded at least 1' into the channel gravels. Install a trash rack 4.5' above the pipe inlet. Armor the inboard fillface with 5 CY .5-1.5' riprap.	54" Culvert and Soil

Site #	Waterway	Problem	Estimated Future Sediment Delivery (CY)	Treatment	Fill Type
167	Tributary to Pilarcitos Mainstem	Ditch Relief Culvert	27	Excavate a 30'w x 3'd x 6'l section of unstable left bank. add temporary plywood silt fencing to protect Pilarcitos Creek during excavation. Use excavated spoils for dip construction. Place 20 CY of 3' riprap at top of channel/bottom of road. Replace ditch relief culvert with 18" x 25' pipe. Clean/cut ditch 80' left. Construct one rolling dip up left road approach. Re-rock approach.	18" Culvert, Soil, Rock
168	Pilarcitos Mainstem	Road Surface	9	Install 1 type II rolling dip left and one type II rolling dip right to drain road approaches.	None
169	Pilarcitos Mainstem	Bank Erosion	33	Lay back perched fill along left bank to ~2:1 (or close) for 50'. install plywood silt fencing to protect Pilarcitos Creek during excavation activities. Armor lower 1/2 outboard fill with approximately 35 CY 2-3' riprap. Consider willow mat or similar bioremediation for upper 1/2; at very least heavy seed/mulch. Road can be moved in ~3' to accommodate bank layback. Haul spoils	Rock
170	Pilarcitos Mainstem (no instream work)	Road Surface	14	Install 1 Type II rolling dip to right approach to drain the road into the vegetation above the creek.	None

Site #	Waterway	Problem	Estimated Future Sediment Delivery (CY)	Treatment	Fill Type
171	Tributary to Pilarcitos Mainstem	Bank Erosion	44	Excavate outboard fill to 1:1 along 75' of affected bank. install temporary plywood silt fence to protect Pilarcitos Creek during excavation activities. Endhaul spoils to tree farm area. Excavate keyway 1.5' deep in stream channel and armor with one layer of 3' armor (25 CY). Install one rolling dip up right approach; construct a 5'w x 5'l x 2'd sediment basin at the dip outlet. This feature will require ongoing maintenance. Consider willow mats or other structures to add post-excavation stability.	Rock
172	Pilarcitos Mainstem	Landslide	34	Excavate ~41 CY of perched fill from outboard fill (30'w x 3'd x 10'l). Armor the lowest 1/3 of slope (i.e. flow zone) with 10 CY 3' diameter riprap. Consider biostabilization (i.e. willow mattress) for upper 2/3 of excavated zone (at bare minimum seed and heavy mulch). Use spoils to create dip at left associated with site #171. Site will need to be dewatered during construction.	Rock
173	Pilarcitos Mainstem (no instream work)	Road Surface	15	Outslope road fill ditch 155' right. Construct one rolling dip to the right.	None

Cell Tower Road

Cell Tower Road travels east from Pilarcitos Creek Road 0.94 mile to Cahill Ridge Road. There are six (6) individual erosion sites and approximately 0.92 miles of road surfaces, roadside ditches, and cutbacks along Cell Tower Road that are currently eroding and delivering sediment to the stream system, or show a potential to do so in

the future. Erosion site types include two stream crossings, three ditch relief culverts, and one discharge point for road surface drainage.

It is estimated that implementation of the recommended treatments along Cell Tower Road could prevent delivery of more than 120 CY of sediment to the assessment area.

Table 3. Erosion Sites and Treatments on Cell Tower Road.

Site #	Waterway	Problem	Estimated Future Sediment Delivery (CY)	Treatment	Fill Type
102	Roadside Ditch to Unnamed Tributary	Ditch Relief Culvert	15	Install 3 rolling dips up the left road approach. Install one 18" x40' long ditch relief culvert up left road approach. Outslope road and fill ditch for 175' up left road.	18" Culvert
103	Unnamed Intermittent Tributary	Stream Crossing	12	Remove Culvert Install an armored fill crossing: Create a broad dip through the axis of the stream lowering the outboard edge of the road 2' maximum to eliminate diversion potential. At the new outboard edge of the road, excavate a keyway 20' wide, tapering to 4' wide at the base of fill. Place 15 CY of 0.5'-1.5' riprap in keyway and the outer 1/3 of the roadbed. Outslope road and fill ditch for 515' up left road. Install 3 rolling dips up left road	Rock
104	Roadside Ditch to Unnamed Tributary	Ditch Relief Culvert	37	Remove existing culvert. Outslope road and fill ditch for 365' up left road and install 2 rolling dips.Install 1 rolling dip 15' to the left of ditch relief culvert as to not direct flow to the current gully	Soil
105	Unnamed Tributary	Stream Crossing	25	Clean inlet of culvert. Install a critical dip along the right hingeline. Outslope road and fill ditch for 1,165' and install 7 rolling dips along left road.	None

Site #	Waterway	Problem	Estimated Future Sediment Delivery (CY)	Treatment	Fill Type
106	Roadside Ditch to Unnamed Tributary	Ditch Relief Culvert	0	Install an 18" x 40' long ditch relief culvert to drain springy area. Leave current culvert and 40' of inboard ditch. Outslope road and fill ditch for 1,630' along left approach and construct 9 rolling dips.	18" Culvert and Soil
107	Roadside Ditch to Unnamed Tributary	Road Surface Discharge	0	Outslope road and fill ditch for 150' up Randtron #2 road and construct 1 rolling dip 75' up from gate.	None

Transformer Road

Transformer Road is a spur road that travels west from Pilarcitos Creek Road. This steep and windy dirt road is approximately 0.63 mile long and 10 feet wide and provides access to an existing transformer site operated and maintained by Randtron. There are nine (9) individual erosion sites and approximately 0.53 miles of road surfaces, roadside ditches, and cutbacks along Transformer Road that are currently eroding and delivering sediment to the stream system, or show a potential to do so in the future.

Erosion site types include one stream crossing, two ditch relief culverts, three landslides, one discharge point for road surface drainage, and two ditch sites.
It is estimated that implementation of the recommended treatments along Transformer Road could prevent delivery of more than 740 CY of sediment to the assessment area.

Table 4. Erosion Sites and Treatments on Transformer Road.

Site #	Waterway	Problem	Estimated Future Sediment Delivery (CY)	Treatment	Fill Type
142.1	Seasona Drainage and Wetland next to Pilarcitos Mainstem	Stream Crossing	118	Excavate and replace with a 24" x 50' long culvert. Install critical dip on left hingeline. Armor outboard fillslope with 20 CY of 0.5'-2' riprap. Outslope right approach for 250'. Construct 2 rolling dips up the right road approach. Remove any outboard berm	24" Culvert, Soil and Rock

Site #	Waterway	Problem	Estimated Future Sediment Delivery (CY)	Treatment	Fill Type
				along right approach for 250'.	
142.2	Roadside Ditch to Pilarcitos Mainstem	Ditch	176	Excavate 74 CY of perched fill along outboard fillslope of switchback (28' x 12' x 5'). Work spoils into road surface- use to enhance outslope. Outslope and remove ditch for 250' right. Remove berm with 3' x 3' berm breaches every 30' for 250' on right approach.	Soil
142.3	Tributary to Pilarcitos Mainstem	Landslide	31	Pull 100 CY from outboard fillslope and spoil on road surface to enhance outslope.	
142.4	Roadside Ditch to Pilarcitos Mainstem	Ditch	12	Outslope road for 240' right. Install 3' x 3' berm breaches every 30' for 240' along right approach	
142.5	Roadside Ditch to Pilarcitos Mainstem	Road Surface	55	Outslope road for 500' right. Breach berm 3'w every 30' through outsloped section.	
142.6	Tributary to Pilarcitos Mainstem	Landslide	38	Pull 40' wide x 4.5' deep x 8' long section of perched fill and store spoils on roadbed to enhance outslope	
142.7	Tributary to Pilarcitos Mainstem	Ditch Relief Culvert	61	Excavate and remove ditch relief culvert. Outslope and remove ditch for 250' of right approach. Install 3' x 3' berm breaches every 30' right.	
142.8	Tributary to Pilarcitos Mainstem	Landslide	57	Excavate oversteepened fill 22'wide x 5'deep x 12' long or as long as can be reached with excavator. Spoil against cutbank and along road for outsloping left called for on Site #142.8.	

Site #	Waterway	Problem	Estimated Future Sediment Delivery (CY)	Treatment	Fill Type
142.9	Tributary to Pilarcitos Mainstem	Ditch Relief Culvert	192	Outslope and remove ditch at 6% from site to tower. Construct 3' x 3' berm breach every 30' to drain road. At site pull 40' wide x 3' deep x 11' long section of perched fill and uses to enhance outslope on road surface. Remove ditch relief culvert	

Improvements
The following summarizes the general approach to implementing improvements within each of these categories.

Stream Crossings
Stream crossing improvements will include culvert repair or replacement at specific treatments sites along each road. In general, stream crossing treatments will require removal of the damaged culvert, replacement with a new appropriately sized pipe and reconstruction of the fill slopes at a sustainable grade. The disturbance area at stream crossings will generally occur within an area 10 to 15 feet upstream of theculvert inlet and 25 feet downstream of the culvert outlet. This disturbance area will be limited to the minimal size necessary and will be largely influenced both by the amount of aggraded sediment in the channel and the proximity of the drainage to a mainstem (perennial) stream.

Bank Erosion / Landslide Areas
In areas subject to bank erosion or landslides, loose material will be excavated and the site armored with imported riprap. These improvements will generally extend to the limit of downslope disturbance, or the edge of a mainstem channel, but will never extend upslope of the road.

Road Drainage Improvements
Road drainage improvements (e.g., road outsloping, rolling dips, ditch relief culvert installation, ditch clearing, etc.) will generally involve reshaping existing roads to improve drainage and decrease sedimentation. With the exception of rolling dip outlets and ditch relief culverts, impacts would be limited to the existing road footprint and up to 3-4 feet beyond the outboard edge of the road. Rolling dip and ditch relief culvert outlets could disturb up to 15 feet beyond the outside edge of the road.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: the Central California Coast steelhead evolutionarily significant unit, a species listed as threatened under the Endangered Species Act (ESA) and a California Species of Special Concern (SSC); California red-legged frog (CRLF), a species listed as threatened under ESA and a SSC; San Francisco garter snake (SFGS) a species listed as endangered under ESA and the California Endangered Species Act (CESA) and fully protected under Section 5050 of the FGC; marbled murrelet (MAMU), listed as threatened under ESA and endangered under the California Endangered Species Act (CESA); Townsend's big-eared bat, a candidate species for listing under the CESA; San Francisco dusky-footed woodrat (SFDW) a SSC; and migratory, nesting and foraging birds and bats.

The adverse effects the project could have on the fish or wildlife resources identified above, without implementation of the Measures to Protect Fish and Wildlife Resources specified below, include: temporary increase in sediment transport and turbidity; short-term reduction in water quality; short-term release of contaminants during construction; impacts to natural flow by diverting or dewatering the creek; direct take of species during project activities; impediment for travel or migration for aquatic and terrestrial species; disruption to nesting and foraging birds, bats and other sensitive wildlife species.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.

1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.

1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.

1.5 Traversing Another Property. To the extent that any provisions of this Agreement provide for activities that require Permittee to traverse another owner's property, such provisions are agreed to with the understanding that Permittee possesses the legal right to so traverse. In the absence of such right, any such provision is void.

1.6 CDFW-Approved Qualified Biologist(s) and Biological Monitor(s). Within a minimum of 30 days prior to initiating species surveys within the project area, Permittee shall submit to CDFW for written approval, the names and resumes of all qualified biologists and biological monitors involved in conducting surveys and/or monitoring work.

A qualified biologist is an individual who shall have a minimum of five years of academic training and professional experience in biological sciences and related resource management activities with a minimum of two years conducting surveys for each species that may be present within the project area.

A biological monitor is an individual who shall have academic and professional experience in biological sciences and related resource management activities as it pertains to this project, experience with construction-level biological monitoring, be able to recognize species that may be present within the project area, and be familiar with the habits and behavior of those species.

1.7 Unauthorized Take. This Agreement does not authorize the take, including incidental take, of any state or federally listed threatened or endangered listed species, or of species that are otherwise protected under FGC. Permittee may be required, as prescribed in the ESA and CESA, to obtain take coverage for federal and state listed species prior to commencement of the project. Any

unauthorized take of listed species may result in prosecution and nullification of this Agreement.

2. Avoidance and Minimization Measures

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

2.1 Seasonal Work Period. To avoid or minimize adverse impacts to MAMU and other sensitive species, work within the project area shall be limited to September 15 to October 31.

2.1.1 Work Period Modification. If Permittee needs more time to complete project activities, work may be authorized outside of the work period and extended on a day-to-day basis by CDFW representative, Suzanne Deleon, at suzanne.deleon@wildlife.ca.gov, (831) 440-9433, or if unavailable, through contact with the CDFW Bay Delta Regional Office by mail, phone (707-944-5500) or fax (707-944-5553). Permittee shall submit a written request for a work period variance to CDFW for approval at least seven (7) calendar days prior to October 31. The work period variance request shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; and 4) provide photographs of both the current work completed and the proposed site for continued work. Work period variances are issued at the discretion of CDFW. CDFW will review the written request to work outside of the established work period and may require additional measures to protect fish and wildlife resources as a condition for granting the variance. Any additional measures shall be made part of this Agreement.

2.2 Work During Dry Period Only. The work period for completing the work within the project area shall be timed with awareness of precipitation forecasts. No work shall occur during wet weather. Wet weather is defined as ¼ inch of rain in a 24-hour period.

2.3 Dry Out Period. No work shall occur during a dry out period of 24 hours after the wet weather referenced in Measure 2.2.

2.4 Weather Forecast. Permittee shall monitor the seventy-two hour forecast from the National Weather Service (*http://www.nws.noaa.gov*). When there is a forecast of more than 40% chance of rain or at the onset of any unanticipated precipitation, the Permittee shall remove all equipment and shall implement erosion and sediment control measures and all routine maintenance activities shall cease.

2.5 No Equipment in Channel. No equipment shall be operated in wetted portions of the creek, including but not limited to ponded, flowing or wetland areas, at any time except as may be necessary to construct a dewatering system or divert water flow around the work site with the prior written permission of CDFW.

2.6 Flow Diversions and Dewatering When Water is present. If water is present in the channel during project activities, the water shall be diverted around the work area to isolate it. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted through a suitably sized pipe, from upstream of the upstream coffer dam and discharged downstream of the downstream coffer dam. Coffer dams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Coffer dams and the stream diversion system shall remain in place and functional throughout the construction period. If, the coffer dams or stream diversion fail, they shall be repaired immediately. Flow diversions shall be done in a manner that prevents pollution and/or siltation and that provides flows to downstream reaches. Flows to downstream reaches shall mimic natural flow patterns. Said flows shall be of sufficient quality and quantity and appropriate temperature to support fish and other aquatic life both above and below the diversion structure. The water diversion shall be constructed with the least amount of disruption to the channel.

2.7 Water Surface Elevation. During dewatering of the channel, the decrease in water surface elevation (WSE) shall be controlled such that WSE does not change at a rate that increases turbidity to the creek that could be deleterious to aquatic life and the likelihood of stranding aquatic life up- and downstream of the creek.

2.8 Turbidity Monitoring. Permittee shall monitor turbidity levels 100 feet up and downstream at each Pilarcitos Creek project site when dewatering of the creek is necessary. The Permittee shall keep a log of the data and the following standards shall be met:

- Permittee shall monitor turbidity levels 100 feet up and downstream of the project site before dewatering activities and then every two hours during dewatering and re-watering activities.

- If the turbidity reading downstream of the project site is greater than 30 nephelometric turbidity units (NTUs) above turbidity at the upstream site, Permittee shall modify Best Management Practices (BMPs) or activities (for e.g. decrease amount of people in water or fix siltation devices and continue to monitor every two hours.

- If turbidity continues to exceed the background for 4 hours, Permittee shall stop work, modify BMPs and wait to resume work until background turbidity levels are achieved.

- If turbidity levels are greater than 50 NTUs above upstream turbidity site, Permittee shall stop work immediately, modify BMPs and wait to resume work until background turbidity levels are achieved. The CDFW may take enforcement action if appropriate turbidity and siltation control measures are not deployed.

2.9 Turbidity Log. Permittee shall keep a log of recorded turbidity data with turbidity readings, location of readings and time of each reading.

2.10 Check for Stranded Aquatic Life. The biological monitor shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest body of water adjacent to the work site. This measure does not allow for the take or disturbance of any State or federally listed species.

2.11 Washing of Equipment. In order to prevent the movement of invasive plant and animal species, fungi, and other biotic agents from external ecological regions, the equipment used shall be washed prior to entry and staging onto construction sites.

2.12 Decontamination of Clothing and Equipment. Any equipment that will enter the water during construction shall be decontaminated

before and after construction to prevent the spread of aquatic diseases, such as ranavirus, and invasive aquatic species, such as quagga mussel. Workers shall also decontaminate waders, boots and other clothing that will come in direct contact with the water. Decontamination of clothing and equipment shall be done through one or more of the following methods:

- Drying equipment in an upland location following last aquatic use. If average daytime temperatures exceed 80^{o} F, drying times shall be at least 7 days. If average daytime temperatures are below 80^{o} F, drying times shall be at least 30 days;
- Scalding water wash (at least 140^{o} F) with varying high and low pressure spray to dislodge pathogens, vegetation, and contaminated sediment;
- Freezing at a temperature of less than 32^{o} F for more than 72 hours; and/or
- Soaking in a hospital-grade disinfectant solution for at least two minutes (or longer, based on product directions). To avoid harm to non-target species, disinfected clothing and equipment shall be thoroughly rinsed in a water bath before entering the stream.

Repeat decontamination is required only if the equipment/clothing is removed from the site, used within a different waterbody, and returned to the project site. Decontamination shall take place in an upland location, and any chemicals used during decontamination shall be prevented from entering water bodies or stormwater drains.

2.13 Culvert Size. The new culverts shall be adequately sized to carry the 100-year storm flow for the stream.

2.14 Culvert Alignment and Embedment. The culverts alignments and embeddedness shall be determined on a site-specific basis by a qualified engineer. At all sites, culverts shall conform to the guidance provided in the *Handbook for Forest, Ranch and Rural Roads* (PWA 2014) found at http://mcrcd.org/publications/ . Culverts shall be properly aligned within the stream and otherwise engineered, installed and maintained, to assure resistance to washout, and erosion of the stream bed, stream banks and/or fill.

No culvert shall be placed in Pilarcitos Creek mainstem without prior written approval of CDFW.

2.15 Maintenance of Culverts. Culverts shall be maintained and kept open year round. If future maintenance is required to keep the culvert free of sediment and debris, these maintenance activities are not covered under this Agreement. Permittee, landowner or landowner's representative shall submit a separate Agreement Notification with Attachment D, Routine Maintenance, for those activities.

2.16 Rock Slope Protection (RSP). Un-grouted RSP and energy dissipater materials that will be used shall consist of clean rock, competent for the application, sized and properly installed to resist washout. RSP slopes shall be supported with competent boulders keyed into a footing trench with a depth sufficient to properly seat the footing course boulders and prevent instability [typically at least one-third (1/3) diameter of footing course boulders)].

Rocks shall be of such shape as to form a stable protection structure of the required section. Rounded boulders or cobbles shall not be used on prepared ground surfaces having slopes steeper than two to one (2:1). Angular shapes may be used on any planned slope. Flat or needle shapes shall not be accepted unless the thickness of the individual pieces is greater than 1/3 the length.

2.17 Revegetation within RSP. Where appropriate, voids between rocks shall be planted with native riparian tree and shrub species appropriate to the local area.

2.18 Designation of Work Area. Prior to project activities, a biological monitor or qualified biologist shall clearly mark/flag or erect temporary construction fencing to designate the work area and to delineate the areas that shall be avoided and to prevent damage to adjacent riparian and wetland habitat. The biological monitor or qualified biologist shall clearly mark/flag all trees within the designated work area that shall be avoided. Work shall occur only within the fenced perimeter. All fencing shall be removed upon project completion. Flagging and or temporary construction fencing shall be removed immediately after the completion of construction work.

2.19 Limit Disturbance to Vegetation. Woody vegetation shall not be removed or damaged outside the flagged work area. The

disturbance or removal of vegetation within the work area shall not exceed the minimum necessary to complete project activities.

2.20 Vegetation Removal Methods. Hand tools (e.g., trimmer, chain saw, etc.) shall be used to trim vegetation to the extent necessary to gain access to the work site. No bulldozers, backhoes, or other heavy equipment shall be used to remove vegetation without prior written approval from the CDFW.

2.21 Riparian Habitat Removal. Only the ruderal and riparian habitat that is identified in the Permittee's project description submitted to CDFW on November 13, 2014 shall be removed from the project areas. Prior to all vegetation removal, a qualified biologist or biological monitor shall thoroughly survey the immediate area for the presence of SFGS and CRLF using CDFW-approved protocol. Qualified biologists or biological monitors shall monitor removal of all vegetation. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete activities. Vegetation outside the project work area shall not be removed or damaged without prior consultation and written approval of a CDFW representative. Where feasible, hand tools shall be used to trim vegetation to the extent necessary to gain access to the work sites.

2.22 No Tree Removal. No trees greater than 3 inches diameter-at-breast-height (dbh) are slated for removal. If it is determined a tree 4 inches or greater dbh may need to be removed while conducting project activities, Permittee shall notify CDFW prior to removal, and CDFW will confer with the Permittee regarding the development of suitable protective and mitigation measures. Upon determination of those measures, the CDFW shall submit written avoidance and mitigation measures to the Permittee and those measures shall be considered part of this Agreement.

2.23 Sensitive Plant Survey. A qualified biologist shall conduct protocol-level surveys for sensitive plant species during the peak blooming period for each plant species that could be present within the project area. For information on special status plant survey methodology visit: http://www.dfg.ca.gov/habcon/plant/.

2.24 Sensitive Plant Exclusion. If, at any time, a special-status plant species is found, it shall be flagged for avoidance and site-specific avoidance buffers previously approved by CDFW shall be implemented. All the special-status plants and associated buffer zones shall be avoided during project activities. CDFW may submit additional written avoidance, minimization and mitigation measures

if special-status plants are found in the project area. Permittee may be required, as prescribed in the CESA and ESA to obtain take coverage for state and federally listed species prior to commencement of the project. Those additional measures shall be considered part of this Agreement.

2.25 SFDW Preconstruction Survey. A qualified biologist shall conduct a preconstruction survey for SFDW within two weeks prior to the start of project activities. Surveys shall be conducted in the immediate work area, in any areas expected to be disturbed by project activities and in a 20-foot buffer around those areas. If SFDW houses are present, the CDFW shall be notified immediately per instructions specified in Measure 2.1.1.

2.26 Protection of SFDW. The locations of any detected nests, sighted individuals or carcasses shall be plotted on a base map or maps. The base map(s) shall consist of an aerial photograph of the work site, predicted disturbed areas and the 20-foot buffer, each of which shall be identified on the map(s). The map(s) shall be of such scale as to allow identification of individual nest sites or nest clusters. The completed map(s) shall be submitted to CDFW who will confer with Permittee regarding the development of suitable protective and mitigation measures. Upon determination of those measures, CDFW shall submit written avoidance and mitigation measures to Permittee and those measures shall be considered part of this Agreement.

2.27 Bat Surveys. All trees and bridges within the project site shall be surveyed by the qualified biologist for nesting/roosting bats 15 days prior to commencement of project activities. Cavities, crevices, exfoliating bark and bark fissures that could provide suitable potential nest or roost habitat for bats shall be checked using roof-prism binoculars supplemented as needed with a flashlight or spotlight. When possible, these features shall be examined by looking directly inside them. If trees have suitable habitat or bats are found on the bridges, CDFW shall be consulted prior to commencement of project activities to determine special bat removal methods and seasonal work restrictions. CDFW reserves the right provide additional provisions to this Agreement designed to protect nesting/roosting bats. Upon determination of those methods, CDFW shall submit written avoidance and mitigation measures to the Permittee and those measures shall be considered part of this Agreement. This measure does not allow for take of Townsend's big-eared bat. As a candidate species the Townsend's big-eared bat is protected and accorded full CESA

protection as a candidate species and if found, Permittee shall not commence any construction activities until acquiring proper approvals as required under CESA.

2.28 Nesting Bird Survey. If project activities are scheduled during the nesting season of raptors and migratory birds, a focused survey for active nests of such birds shall be conducted by the CDFW-approved qualified biologist within 15 days prior to the beginning of project-related activities. Surveys shall be conducted in all suitable habitat located at project work sites and in staging and storage areas. The minimum survey radii surrounding the work area shall be the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; iii) 1,000 feet for larger raptors such as buteos. The bird survey methodology and the results of the survey shall be submitted to CDFW prior to commencement of project activities.

Nesting seasons are typically defined as followed: i) March 15 to August 30 for smaller bird species such as passerines; ii) February 15 to September 15 for raptors.

2.29 Active Nests. If active nests are found, Permittee shall consult with CDFW and the U.S. Fish and Wildlife Service (USFWS) regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and the FGC. If a lapse in project-related work of 15 days or longer occurs, another focused survey shall be conducted before project work is reinitiated. If active nests are found, Permittee shall consult with CDFW and the USFWS prior to resumption of project activities.

2.30 Active Nest Buffers. Active nest sites shall be designated as "Ecologically Sensitive Areas" (ESA) and protected (while occupied) during project activities with the establishment of a fence barrier surrounding the nest site. The typical minimum distances of the protective buffers surrounding each identified ESA are the following: i) 1,000 feet for large raptors such as buteos; ii) 500 feet for small raptors such as accipiters; iii) 250 feet for passerines. A biological monitor or qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project-related activities. Nest monitoring shall continue during project-related construction work until the young have fully fledged, are no longer being fed by the parents and have left the nest site, as determined by a biological monitor.

2.31 Nesting Habitat Removal or Modification. No trees, shrubs or emergent vegetation shall be disturbed, trimmed or pruned that contain active bird nests until all eggs have hatched, and young have fully fledged (are no longer being fed by the adults, and have completed left the nest site). No habitat modification shall occur within the ESA fenced nest zone even if the nest continues to be active beyond the typical nesting season for the species (refer to Measure 2.31), until the young have fully fledged and will no longer be adversely affected by the project.

2.32 CRLF and SFGS Exclusion. CDFW-approved exclusion fencing shall be installed around the upland construction sites, staging areas, equipment stockpile areas and any areas where fill may be stockpiled. Exclusion fencing does not need to be installed on Cell Tower or Transformer roads. Exclusion fencing shall include escape funnels and the lower edge of the fence shall be buried at least four (4) inches to prevent burrowing animals from tunneling under the fence.

2.33 Exclusion Fencing around Staging Area. The fence encircling the staging area shall have one area through which the construction equipment and materials can enter and leave. This opening shall be secured by a snake-proof gate or flap. The flap will be made of erosion control fabric, buried along its bottom edge. When closed, loops at the top corners of the flap will be used to secure it to fence posts. The flap shall not be opened unless the qualified biologist or biological monitor is there to observe. The construction crew shall be instructed of the importance of keeping the flap closed at all other times.

2.34 Daily Species Inspections. After installation of the fence barrier, the biological monitor or qualified biologist shall conduct daily inspections of the project work area, and staging and stockpiling areas prior to the commencement of construction activities. If the biological monitor or qualified biologist determines that sensitive species are not present within the work area, equipment or materials may be moved onto the work site and project activities may commence under the observation of the biological monitor or qualified biologist.

2.35 Daily Fence Inspection. The exclusion fencing shall remain in operating condition throughout the duration of the project. The biological monitor or qualified biologist shall daily inspect the integrity of the exclusion fencing to ensure there are no gaps, tears or damage. Maintenance of the fencing shall be conducted as

needed throughout the work period. Any necessary repairs to the fencing shall be completed within 24 hours of the initial observance of the damage.

2.36 Cease Activities for CRLF. If CRLF enters the work area, all work shall stop until the animal leaves on its own. If a biologist is permitted by the USFWS and approved by CDFW for this specific project to handle CRLF, only that individual can handle and relocate CRLF. The qualified biologist shall contact CDFW within 24 hours of relocation activities. Through consultation with CDFW, additional measures may be developed to protect special-status species.

2.37 Cease Activities and No Handling of SFGS. SFGS is protected under FGC Section 5050. Under this statute, take of a fully protected species may not occur except for scientific or recovery purposes. Catch, pursue, capture or attempt to catch, pursue and capture is considered take as defined in Section 86 of the FGC. Because of this, Measure 2.39 does not apply to SFGS and any SFGS encountered in the work area shall not be handled and shall be left alone until it leaves the area on its own. If SFGS are found in the project area, Permittee shall cease project activities and immediately notify the CDFW. Activities shall not resume until measures to avoid take of SFGS are adopted and made part of this Agreement.

2.38 CRLF Relocation. Prior to the onset of any project-related activities, the qualified biologist must identify appropriate areas to receive CRLF adults from the project areas. These areas must be in proximity to the capture site, contain suitable habitat, not be affected by project activities, and be free of exotic predatory species to the best of the qualified biologist's knowledge. Translocation shall only be performed by the qualified biologist.

2.39 CRLF Capture Techniques. Nets or bare hands shall be used to capture CRLF. Qualified biologists shall not use soaps, oils, creams, lotions, repellants, or solvents of any sort on their hands before and during periods when they are capturing and translocating these species.

2.40 Limit Duration of Handling CRLF. The qualified biologist shall limit the duration of handling and captivity of the CRLF. While in captivity, individuals of these species shall be kept in a cool, moist, aerated environment, such as a bucket containing a damp sponge.

Containers used for holding or transporting this species shall not contain standing water.

2.41 Task Force's Code of Practice. To avoid transferring disease or pathogens between aquatic habitats during the course of surveys or handling of CRLF, the qualified biologist shall follow the *Declining Amphibian Population Task Force's Code of Practice*. The practices can be found at: http://www.fws.gov/ventura/species_information/protocols_guidelines/docs/DAFTA.pdf

2.42 Guidelines for Surveying and Handling CRLF. Additional guidelines for surveys and handling of the CRLF described under *Additional guidelines for surveys and handling of the California red-legged frog and the California Tiger Salamander* shall be adhered to. Guidelines can be found at: http://www.fws.gov/sacramento/ES/Survey-Protocols-Guidelines/es_survey.htm

2.43 No Stockpiling of Vegetation. Vegetation removed and not used for slash shall be placed directly into a disposal vehicle and removed from the project work site. Vegetation not used for slash shall not be piled on the ground unless it is later transferred, piece by piece, under the direct supervision of the biological monitor or qualified biologist. Vegetation used for slash shall be stockpiled if placed within a biological exclusion area and shall be transferred under the supervision of the biological monitor or qualified biologist.

2.44 No Stockpiling of Soil. To protect SFGS burrows, soil shall not be stockpiled on the ground unless it is on a paved surface or an area where burrows are absent. Permittee shall investigate the road and bank areas where fill will be placed to determine if burrows are present. If burrows are present, no fill shall be placed and compacted on the road until CDFW and USFWS are consulted. Through consultation with CDFW, additional measures may be developed to protect SFGS and those additional measures shall be part of this Agreement.

2.45 Check for Wildlife in Construction Materials. Permittee shall visually check stockpiled construction materials for presence of wildlife sheltering within them prior to use.

2.46 Vehicle Restrictions. Any vehicle parked on site for more than 15 minutes shall be inspected by the biological monitor or qualified biologist before it is moved to ensure that CRLF or SFGS have not

moved under the vehicle. Any parking areas must be checked in advance by the biological monitor or qualified biologist.

2.47 Monitor On-Site. If a special-status species such as CRLF or SFGS is found within the project area, a CDFW-approved biological monitor and/or qualified biologist shall be present on the project site while all project activities are being conducted.

2.48 Stop Work Authority. The biological monitor or qualified biologist shall have the responsibility and authority of stopping the project if any crews or personnel are not complying with the provisions outlined in this Agreement.

2.49 Unauthorized Take. This Agreement does not authorize the take, including incidental take, of any state or federally listed threatened or endangered listed species, or of species that are otherwise protected under FGC. Permittee may be required, as prescribed in the ESA and CESA, to obtain take coverage for federal and state listed species prior to commencement of the project. Any unauthorized take of listed species may result in prosecution and nullification of this Agreement.

2.50 Education Session before Commencement of Work. The biological monitor or qualified biologist shall conduct an education session on species that may be present at the project work site. The training shall consist of basic identification of the species, their basic habits, how they may be encountered in the work area, and procedures to follow when they are encountered. Any personnel joining the work crew later shall receive the same training before beginning work. The penalties for non-compliance of conditions in this Agreement shall be relayed to all project personnel.

2.51 Silt Control Measures. Silt control measures shall be utilized throughout all phases of the project where silt and/or earthen fill threaten to enter Waters of the State.

2.52 Silt Control Effectiveness. Silt control structures shall be monitored daily for effectiveness and shall be repaired or replaced as needed. Passage of sediment beyond the sediment barrier is prohibited. If the sediment barrier fails to retain sediment, construction activities shall cease and corrective measures shall be employed.

2.53 Erosion Control Methods. Erosion protection shall be placed in areas where vegetation cannot reasonably be expected to become re-established. These areas shall be protected with correctly

installed erosion control measures (e.g. jute, certified weed-free straw, coconut fiber, or coir logs). Materials containing monofilament or plastic or similar material containing netting shall not be used within the project area due to documented evidence of amphibians and reptiles becoming entangled or trapped in such material.

2.54 Native Grass Seeding. All other areas of disturbed soil which drain toward State waters shall be planted with propagules (seeds, cuttings and/or divisions) of locally-collected native plants. Local native grass species include meadow barley (*Hordeum brachyantherum* ssp. *californicum*), blue wildrye (*Elymus glaucus*), California brome (*Bromus carinatus*), creeping wildrye (*Elymus triticoides*), California oatgrass (*Danthonia californica*) and California melic (*Melica californica*). Locally native wildflower and/or shrub seeds may also be included in the seed mix.

2.55 Prohibited Plant Species. Permittee shall not plant, seed, or otherwise introduce invasive plant species. Prohibited exotic plant species include those categorized as “High” and “Moderate” in the California Invasive Plant Council's Inventory Database, which is accessible at: http://www.cal-ipc.org/paf/.

2.56 Staging and Storage Areas. Building materials and/or construction equipment shall not be stockpiled or stored where they could be washed into the water or where they will cover aquatic or riparian vegetation.

2.57 Equipment over Drip-pans. Staging and storage areas for equipment, materials, fuels, lubricants and solvents shall be located away from the wetted areas. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the creek shall be positioned over drip-pans.

2.58 Maintenance of Vehicles. Any equipment or vehicles driven and/or operated adjacent to the creek areas 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. Vehicles must be moved away 150 feet from the stream prior to refueling and lubrication.

2.59 Hazardous Materials. 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.

2.60 Debris and Waste Disposal. Permittee/contractor shall not dump any litter or construction debris within the project area. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.

2.61 Wetland and Riparian Re-vegetation Success. To ensure restoration of the project site, Permittee shall install native wetland vegetation and/or cuttings, or other CDFW-approved vegetation, in the temporary impacted wetland, wetted or riparian areas by December 31 of the year project construction ceases.

2.62 Re-vegetation and Bioengineered Planting Monitoring. Permittee shall monitor the re-vegetation plantings as stated in Measure 2.61 and plantings within the RSP and bioengineered sites. To ensure a successful re-vegetation effort, all plants planted for replacement and all native plants planted at bioengineered sites shall be monitored and maintained as necessary for three years. Measures shall be taken to reduce the amount of non-native cover. The following success criteria shall apply:

All shrub plantings shall have a minimum of 80% survival at the end of 3 years. All tree plantings with bioengineered sites shall have a 100% survival at the end of 3 years.

2.63 Re-vegetation Remediation. If re-vegetation survival and/or cover requirements do not meet established goals, Permittee is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. All plants that die within the three-year monitoring period shall be replaced during the fall the year the plant was determined to have failed. Replacement plants shall be monitored with the same survival requirements for five years after planting.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

3.1 Special Status Species' Survey Results. Permittee shall submit to CDFW prior to commencement of project activities, the nesting bird, bat, SFDW and plant survey methodologies and results. Refer to Notification Number 1600-2014-0408-R3 when submitting the report to CDFW.

3.2 Turbidity Log. Permittee shall submit the turbidity log by December 31 each year a project site in Pilarcitos Creek is dewatered. Refer

to Notification Number 1600-2014-0408-R3 when submitting the report to CDFW.

3.3 Annual Status Report. An status report on the re-vegetation and bioengineering shall be provided to the CDFW by December 31 at year 1 and year 3 of planting. This report shall include the survival, percent cover, and height of both tree and shrub species. The number by species of plants replaced, an overview of the re-vegetation effort and the method used to assess these parameters shall also be included. Photos from designated photo stations shall be included. All plants that die within the six-year monitoring period shall be replaced during the fall the year the plant was determined to have failed. Refer to Notification Number 1600-2014-0408-R3 when submitting this plan to CDFW.

3.4 Notification to the California Natural Diversity Database (CNDDB). If any listed, rare, or special status species are detected during project surveys, or on or around the project site during project activities, Permittee shall submit CNDDB Field Survey Forms to CDFW in the manner described at the CNDDB website (http://www.wildlife.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp) within 14 working days of the sightings. Copies of such submittals shall also be submitted to the CDFW regional office as specified below.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Kellyx Nelson
San Mateo County Resource Conservation District
625 Miramontes Street, Suite 103
Half Moon Bay, California 94019
Phone (650) 715-7765
kellyx@sanmateorcd.org

To CDFW:

California Department of Fish and Wildlife
Bay Delta Region
7329 Silverado Trail
Napa, California 94558
Attn: Lake and Streambed Alteration Program – Suzanne DeLeon
Notification #1600-2014-0408-R3
Fax (707) 944-5553
Suzanne.DeLeon@wildlife.ca.gov

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit

to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

This Agreement shall expire on **December 31, 2020** unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

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

FOR SAN MATEO COUNTY RESOURCE CONSERVATION DISTRICT

Kellyx Nelson — Date

Permittee

FOR DEPARTMENT OF FISH AND WILDLIFE

Craig J. Weightman — Date

Environmental Program Manager

Prepared by: Suzanne DeLeón
Environmental Scientist

Date Sent: February 13, 2015; September 1, 2015; December 8, 2015; April 25, 2016